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1978

THE SENATE IN THE EMERGENCE OF THE
FIRST PARTY SYSTEM

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Submitted to the Faculty of the Graduate College
of the Oklahoma State University
in partial fulfillment of the requirements
for the Degree of
DOCTOR OF EDUCATION
July, 1978

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PREFACE

This study is concerned with the relationship of the United States Senate to the development of national political parties during the Federalist Era--the time of the Washington and Adams administrations. A statistical analysis of all roll-call votes taken during the First through the Sixth Congress indicated the continual presence of legislative parties. These early parties within the Senate voted with more cohesiveness than do their modern counterparts. An examination of the subject matter of the roll calls, supplemented by an examination of the debates in Congress, newspaper accounts and editorials, and the correspondence and diaries of the Senators, indicated that the parties sprang from sectional jealousies and contention over the limits of governmental power in a republic. The conflicts over the limits of power usually focused on efforts to extend the activities and powers of the executive branch. The advocates of a powerful executive, the Federalists, justified their efforts by a loose construction of the Constitution. The opposition, soon known as Republicans, buttressed their case by a strict interpretation of the Constitution. As the open party conflict spread through the government and the electorate, the partisans within the Senate were among the most loyal core of activists in both parties.

I am deeply grateful to Dr. H. James Henderson, my major adviser, for the guidance and special assistance that he has provided from the

inception to the completion of the study. I am also grateful to the other members of the committee, Dr. Neil J. Hackett, Jr., Dr. Thomas A. Karman, and Dr. Daniel Selakovich, for their assistance, especially in the final stages of the project. The kindness and cooperation of the entire committee has often exceeded the requirements of professional courtesy.

I am also indebted to many others. Dr. Charles M. Dollar of the National Archives, Washington, D. C., a member of the committee until his resignation from Oklahoma State University, provided invaluable assistance regarding quantitative techniques and use of the computer. Mrs. Iris L. McPherson, Senior Systems Analyst at the University Computer Center, also gave indispensable assistance in modifying computer programs. My brother, Dr. Winfred O. Wright, gave many hours of his time in proofreading the final draft copy. My special thanks are also extended to Mrs. Donna Fredin for typing the early drafts of the manuscript, and to Mrs. Joyce Gazaway for assistance in preparing the final manuscript copies. I am also grateful to the Administrative Council of Harding College for providing me with three summer research grants without which the project could not have been completed.

Most of all, I am indebted to my wife, Wanda Adair Wright, and our children, Carolyn, Ponder, Jr., and Margie. Carolyn devoted a full summer assisting me in verifying the mathematical computations which were not assigned to the computer and in constructing many of the tables. They all gave their enthusiastic support to the project, and made many sacrifices in order that I might complete this undertaking. I will be forever grateful to them for their unfailing support.

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CHAPTER I

INTRODUCTION

The Problem

The United States Senate played a vital role in the emergence of America's first party system. Many competent scholars have probed the beginnings of the American party system, but all of the major works share a common characteristic--failure to focus close attention on the Senate. This study was designed partially to offset this deficiency.

The past neglect of the Senate may derive from the fact that it was less democratic than was the House of Representatives. The Senate met in secret for the first six sessions of Congress, and after it opened its doors, public stenographers were not allowed. The early minutes of the Senate are very cryptic, and debates were not recorded until the Adams administration when parties were in open competition. Yet, if the origin of the two-party system is to be understood, the Senate must be considered. Concensus now holds that the parties originated in the Congress, and the Senate has always been the stronger of the two houses in certain respects. It approves, amends, or rejects all bills originating in the House. It may initiate non-revenue bills, and has been the source of some of the fundamental laws of the nation. In addition to the legislative powers which it shares with the House, it approves or rejects many Presidential appointments to federal offices,

including the nominations to the Supreme Court, and must approve all treaties negotiated by the Executive. Questions about the Senate's relation to the political party system are therefore vital, for the Senate constitutes a fundamental branch of the federal government.

This study was designed as an exploratory effort directed at answering some of the basic questions relating to the Senate's role in the emergence of the first party system: When did legislative parties first appear? How many were there? Which was the stronger? Which was the most cohesive? Which issues seemed to have called the parties into existence? Was there a connection between the partisanship of the Continental Congress and the partisanship of the Senate? What connections existed between the partisanship of the Senate and that of the House? Who were the early leaders of the parties?

The fundamental hypothesis set forth in this study is that highly repetitive alignments involving most Senators appeared in the First Congress and continued to exist through the Sixth Congress. During the search for the issues which called the parties into being a second hypothesis was developed: while there were many factors which contributed to the beginning of the first party system, conflict over the proper limits of power in a republic--particularly regarding conflicts over the powers and functions of the executive branch--provoked the formation of the Senatorial parties and continued to be an important consideration in the major party battles of the decade.

Although there were no formal party organizations during the early sessions of Congress, the cohesiveness and stability of the alignments from one session to the next justify applying the term party rather than faction to these competing alliances. Within a short time the members

of the Senatorial parties were active participants in the national party movements that are known as the Federalist and Republican parties. The Senatorial parties became working parts of the national parties, and were closely involved in the legislative history of the decade.

Review of the Literature

The writings of Charles Beard soon came into wide acceptance after the publishing of An Economic Interpretation of the Constitution in 1913 and The Economic Origins of Jeffersonian Democracy in 1915.¹ Beard argued that economic interests had been the primary force behind the framing of the Constitution and the forming of the earliest political parties. At the Constitutional Convention the delegates represented either capitalistic or agrarian interests. Representatives of capitalists (basically merchants, money lenders, security holders, finance capitalists, manufacturers, ship owners, slave holding farmers, and large farmers from the Middle States) won out over the agrarian representatives (primarily middle- and small-sized farmers and debtors) and designed a new government capable of protecting their interests. This same combination of money interests fought their way to victory in the state ratifying conventions, and, in the first national elections, they rolled up sizable majorities. Beard argued that this economic struggle has continued to be the major source of political conflict into the present times.

Beard maintained that there was a clear continuity between the Federalists of the 1780's and those of the 1790's on the one hand, and the Anti-Federalists of the 1780's and the Jeffersonian Republicans of the 1790's on the other. Beard admitted anomalies in his data and

pointed out the sketchy nature of his research. He called for others to complete the research he described, confident that it would confirm his hypothesis. The evidence arrayed by Beard and his persuasive reasoning carried the day. Beard's views were not universally accepted, but significant challenges did not appear until after World War II.

One of the first major departures from Beardian analysis came in Joseph Charles' The Origins of the American Party System (published posthumously in 1955).² Charles did a simple analysis of selected roll calls in the House of Representatives. He did not explain the method of selection beyond the statement that they pertained to issues of national importance or to question involving principles important to the members of the House. Congressmen were judged to be members of a party if they voted with "one party 66.6% of the time" on the selected issues.³ Charles found that "no-party voting" fell from 42 percent in 1790 to only 7 percent in the voting on the Jay Treaty--the lowest point it reached until 1798.

Charles denied a significant degree of continuity between the Anti-Federalists and the Republicans of the 1790's. He argued that the Federalist party consisted of those in the government who supported the programs of Alexander Hamilton, and that the Republicans were the men who broke with Hamilton. He believed James Madison was the party leader until Jefferson was elected Vice-President in 1796. Charles contended that the Jay Treaty caused a sudden rise in partisan behavior in the Congress and that new efforts toward building an effective party organization grew out of this new conflict. Hence, foreign policy provoked more party tensions and developments than did the early economic issues. Charles thought the Republican party was basically an expression

of a growing democratic movement among the masses, and he saw Jefferson as a leader who had been singled out by popular demand. Noble Cunningham soon refuted him on this point.

Cunningham's The Jeffersonian Republicans: The Formation of Party Organization, 1789-1801 was published in 1957.⁴ Cunningham carefully traces the development of the Republican party from a beginning in the Congress on through its extension to the grass roots level. He demonstrated clearly that the party was born of conflict between men in the national government and that party spirit grew among the people as the opposing forces in the Congress sought public support for their positions and campaigned for reelection on party tickets. Cunningham presented Jefferson as one of the earliest leaders of the Republican party. He saw Madison as the early leader in the House of Representatives.

Cunningham's work substantiated the position of Charles on the significance of other than economic issues. His analysis of the political situation on the state level conflicted with Beard's argument regarding the continuity of political parties. In general, Cunningham's conclusions were closely reasoned and based on extensive and careful research, but his analysis of voting patterns in the Congress was very elementary in nature and focused on the House altogether. He gave no serious attention to party conflict in the Senate.

Forrest McDonald published his We the People: The Economic Origins of the Constitutions in 1958 as a general refutation of Charles Beard's economic determinism.⁵ Having completed the extensive research which Beard had said would be necessary in order to verify his hypothesis, he found that the results refuted the theory of economic dualism as the

prime explanation for the creation of the Constitution, the outcome of the ratifying conventions, and the results of the first national election. McDonald did not concern himself with party origins, but his work clearly refuted the kind of economic determinism on which Beard's hypothesis of party origins rested. James Henderson's comment is fitting:

After Forrest McDonald's trenchant critique of Beard's analysis . . . it was apparent that Beard's other imperative--the tension between capitalist and agrarian interests--required even greater modifications. In states where there seemed to be little continuity between Constitutional and post-Constitutional partisan policies, the capitalist-agrarian dualism often proved quite irrelevant.⁶

William Nesbit Chambers, a political scientist, emphasized the functional dimension of political parties in an emerging nation in Political Parties in a New Nation: The American Experience, 1776-1809.⁷ He posited that a political party is marked by distinctive characteristics: structure, functions, a substantial following, and in-group perspectives. He stressed that structures need not be fully developed before the party begins to function. Chambers' functional model states that parties arose to fulfill the needs to:

. . . represent, and find some accommodation among the variety of interests in the newly extended political arena, and to shape opinion; to work complicated machinery of national elections; to undertake management of the agencies of government, separated as they were into the executive, the Senate, the House . . . judiciary . . . and to interpret the work of the new government to the public . . .⁸

Another model described the conditions necessary for the successful functioning of a two party system: the creation of a we-they relationship between the contending parties, acceptance of the legitimacy of opposition parties, ability to constitute a stable link between government and the people while competing with one another, and a reasonable

chance for each party to win governmental power.⁹

Chambers concluded that there was no continuity between the parties of the 1790's and the factionalism of pre-Constitutional days. In his view, parties developed out of conflicts within the government and the efforts of partisans to gain public support. Therefore, the parties were the "products of labor of Hercules, and not 'natural' untended flowerings from the soil of independence and popular government," as had often been argued.¹⁰

Chambers did not engage in basic research but drew upon the works of Charles, Cunningham, and others, yet his study was a strong case for accepting the existence of "modern" political parties in early America even if all the organizational structure had not yet evolved. Chambers suggested that his analysis was not definitive, but that it might suggest useful possibilities for further study. Mary Ryan undertook such further exploration in her quantitative study of House and Senate voting patterns in the first four Congresses.

Mary Ryan's article, entitled "Party Formation in the United States Congress, 1789-1796: A Quantitative Analysis," utilized sophisticated quantitative techniques through the use of a computer and made a significant contribution to the study of party origins.¹¹ Ryan discovered the emergence of two polarized voting blocs in both Houses of Congress in each session of the first four Congresses. She found these blocs to be "remarkably stable," with 73 percent of all Senators remaining members of the bloc with which they first identified. Only three Senators were judged to be party mavericks, switching from one party to the other recurrently.¹² These blocs were found to be highly regional in membership. Most Southerners were members of the Republican Party while New

Englanders were mostly members of the Federalist Party. However, middle states men were found to divide about equally between the two parties.¹³

Ryan, perhaps due to the brevity of the work, tended to over simplify the major factors involved in the great issues and stages of party development. For example, sectional loyalties determined how most voted on the location of the capital, and in the Second Congress, the sectional polarization on the issue of reapportionment reflected "regional, and particularly Southern, population expectations and the consequent geographic concentration of national power."¹⁴ In neither case was any mention made of ideological, Constitutional, or other possible factors. This criticism is even more relevant to her treatment of the two blocs which she found to be in opposition on issues of funding and assumption. These persistent blocs were found to be formed around financial questions, but "were temporary alignments outside the dominant party formation."¹⁵ Her findings, surprisingly, showed that "Federalists like Rufus King of New York and Oliver Ellsworth of Connecticut found themselves in opposite camps."¹⁶ This distorts the facts considerably. Rufus King and Oliver Ellsworth were both ardent supporters of assumption, and were, therefore, in the same camp on this fundamental question. They voted on opposite sides on a number of roll calls pertaining to secondary issues such as the rates of interest to be paid on various portions of the loans covering the assumed debts and on schedules of repayment of the principle. Practically speaking, they disagreed over how much speculators and investors in the public debt should be allowed to profit from the assumption of state debts by the federal government. Failure to distinguish these two types of roll calls resulted in the misleading conclusion that King and Ellsworth

were in different camps and casts doubt upon other conclusions drawn regarding the significance of the assumption controversy in the development of Senatorial parties.

The neglect of the Senate struggle over the Jay Treaty is also disappointing. The reader was told that in the Third Congress the Senate exhibited strong partisanship in the category of foreign policy when members clashed over the embargo of British goods, yet no reference was made to the Senate's debate over the Jay Treaty. Washington overruled the Republicans' hard line when he signed the treaty, and "once the conciliatory measures of the treaty were exposed it became another object of partisan antagonism."¹⁷ Her conclusion was that "partisan foreign policy found its fullest expression in the first session of the fourth House of Representatives" when appropriations for the treaty were debated.¹⁸ The reader was further informed that in the Fourth Congress the Senate "was not a forum for the debate of the Jay Treaty."¹⁹ Hence, the article fails to include any information on the third session of the Senate in the Third Congress which was called by Washington for the express purpose of ratifying the treaty. In this session, the Senate reached a higher level of polarization than in any other of the Federalist Era. Thus, the reader is furnished something less than a full understanding of partisanship in the Senate.

Ryan's work, although not without flaws, was a highly revealing contribution to the study of party origins. Even though the study focused primary attention upon the House of Representatives, it gave more attention to the Senate than had previous studies, and it was the first published effort at systematic analysis of all the roll calls in that body during the Federalist Era. Ryan's findings of two consistent

competitive blocs was suggestive of the fundamental hypothesis to be tested in the present study.

Paul Goodman's essay, "The First American Party System," proved to be a highly influential exposition of the beginning of American political parties.²⁰ It dealt with the development and spread of the parties among the electorate. Some of his explanations are highly suggestive of the sources of partisanship in the Senate. While not denying the influence of economic self-interests in the formation of the opposing parties, Goodman stressed the importance of ideological, social, cultural and constitutional influences as well. After freeing themselves from the rule of the mother country, Americans had expected to be able to solve the competing claims of liberty and authority by a diligent study of politics, and for two decades Americans were busy writing and rewriting their constitutions. In 1789, there was a wide expectancy that the new design of government would deliver Americans from "the squabbling petty interests whose representatives schemed for the immediate, selfish advantage of their parochial constituencies."²¹ Divisions that immediately manifested themselves in the new government were "profoundly disillusioning." The republic seemed split into warring factions, each of which saw the other as a threat to the nation. One group saw aristocrats, financial manipulators, political bigots, and foreign agents plotting the destruction of their liberty and freedom. The others saw Jacobin-type schemers, "wild Irishmen," blaspheming Illuminati, and seditious foreign agents seeking to overthrow established order and proven leaders.²²

Goodman saw that those who built the first party system mistook parties for factions. "Men of both sides "assumed" that those with whom

they differed were disloyal to the nation and its ideals."²³ Goodman also found that the basic struggle between the two emerging parties involved a basic difference in attitude toward authority. "At first Americans misjudged the extent to which independence required the centralization of authority. They believed that by locating sovereignty in the states, power would be less dangerous to liberty . . ."²⁴ However, the American experience under the Articles of Confederation caused many to challenge this assumption and to adopt a new Constitution. This Constitution "created a new locus of power which promoted greater integration requiring the articulation of a national will to decide those political questions which had become the responsibility of all the people."²⁵ But, the new Constitution presented no mechanism for focusing national attention on pressing issues or for collecting popular sentiment. Goodman believed the parties emerged in order to fulfill these functions. By creating a new locus of power charged with handling solutions that would entail decisions affecting the whole nation there resulted a "heightened sense of group differences and local senses of identity."²⁶ Apprehensive Virginians saw themselves as exploited Southern planters while disappointed Massachusetts men saw themselves as threatened merchants and Easterners.²⁷

Goodman also argued that the Republican-Federalist dichotomy existed before the contest over foreign affairs began to develop in the Third Congress.

Those who considered themselves Republicans had believed even earlier that the decisions made by the earlier, Federalist-dominated Congresses had departed from republican principles by benefiting the few at the expense of the many.²⁸

But the Federalists were equally convinced that their principles promoted the stability and the prosperity of the nation, and thereby they saw themselves as assuring the success of the republican experiment.²⁹

As America became involved in reactions to the war in Europe, a widespread belief that the future of the republic was being threatened was at the heart of party conflict. "When the Federalists moved to prevent British interference with American trade with France from precipitating war, they confirmed Republican suspicions that they were aristocrats with British sympathies."³⁰ On the other hand, when the Republicans attempted to block ratification of the Jay Treaty and thereby openly to risk war with Great Britain, "The Federalists were confirmed in their suspicions that Republicans were Jacobins with French sympathies."³¹ Hence, the intense concern over foreign policy affected people wherever they lived and whatever their local circumstances, aroused wide-spread, deep, and fierce partisan sentiments, and simplified and dramatized the electoral choice.³²

Partisan identity in the 1790's and early 1800's was often difficult to fix with clarity, and shifts from one party to another occurred frequently. Goodman finds the reasons for this in the fact that party organization was often very rudimentary and that the parties were not autonomous institutions but "hastily formed, loose alliances of individuals and groups."³³ Furthermore, before the 1790's no one had ever been born a Federalist or Republican, and thus most ordinary citizens and voters did not inherit an ancestral party loyalty.³⁴

Richard Buel, Jr.'s work, Securing the Revolution: Ideology in American Politics, 1789-1815, dealt with the ideological aspect of party development during the Federalist Era.³⁵ It was based on a study

of the public documents which Buel considered to reflect and create public opinion, documents to which the people had access: newspapers, congressional debates, diplomatic correspondence and presidential addresses. Buel gave less attention to private correspondence. He argued that the private communications of influence ultimately were advocated and countered publicly. Even though the Constitution had been designed to remove the national government from the immediate reach of the populace, the government's power was still ultimately dependent on the people so long as it lacked a large revenue and patronage, or a sizeable military and judicial apparatus. Therefore, Buel thought that public opinion had a stronger influence over the government during the Federalist era than at any period of time since. He assumed that public opinion was the single most important ingredient in the politics of the first party system.

In brief, Buel found that "early national politics was dominated by a disagreement originating in the leadership about how to secure the Revolution."³⁶ Some felt that stability was best achieved by adjusting the government to fit popular expectations, while others believed that government would never be safe until it was invulnerable to popular pressure, and that their public duty required them to resist such influence. Each opinion was reflective of a basic evaluation of republics in general. Unfortunately, before domestic stability had been achieved, the French Revolution triggered international conflict that exacerbated the conflict among America's leaders. As the superpowers, France and Britain, pressured the young nation to act as their ally in the war; America was presented with strategic choices that challenged

the general population to take sides. In this context the "first national parties grew up."³⁷

Buel found that "Hamilton's fiscal policy became the initial focus of the first party system," because it raised a question "more fundamental than any clash of economic interests and one on which there could be no compromise: How to stabilize the republic and secure revolutionary achievements."³⁸ Therefore, fundamentally, it was this ideological clash "rather than money matters that set Hamilton in an irreconcilable opposition to Madison and Jefferson."³⁹ The funding and assumption program developed by Hamilton was designed to attract the loyalty of public creditors and make their prosperity dependent upon the continuing success of the national government.⁴⁰ Jefferson and Madison believed that public debts had bankrupted France and, in keeping with the idea of Adam Smith, that debts were threatening Britain and other countries of Europe at that time. Furthermore, the plan of Hamilton was divisive and undemocratic since it forced the government to tax the many for few. As the fiscal program began to be enacted, Jefferson charged that the ultimate object was to prepare the way for changing the present form of government to that of a monarchy.⁴¹

The leaders of the early parties agreed upon their ends, according to Buel, but were divided over the means of achieving them. The Federalists knew that the government under the Constitution was momentarily popular but did not think that it could depend upon the continuation of the present wave of popularity. They felt, therefore, that the fiscal system should be used to help develop real governmental power that would in the end assure continued order and security within

the nation. Republicans, on the other hand, wanted to establish federal authority by making it responsive to the aspirations and wishes of the people.⁴²

But with the passage of the Bank bill, the opposition began to argue for a strict construction of the Constitution and escalated their attack on the bank from that of policy level to the level of Constitutionality.⁴³ Buel found related ideological implications involved in the controversy over reapportioning the House of Representatives in the Second Congress, and consequently at the beginning of 1792, "opposition polemics against the fiscal system took on a stridency and an ideological character formerly lacking."⁴⁴ From the beginning, the leaders in the emerging parties disagreed on matters of foreign policy, and, as the pressure from Great Britain and France mounted, Republicans came to see the Federalist desire for peaceful relations with Great Britain as a betrayal of Republican principles and as a clue to the Federalist preference for aristocracy and monarchy. On the other hand, Federalists continued to view Republican refusals to strengthen the defenses of America and their agitation for a closer relationship with France as an indication of their sympathy with the ideological principles of those who had brought on the extremities of the French Revolution and convulsed the world in war.⁴⁵

With every major issue that confronted the nation in the Federalist era, Buel found the common thread of ideological concern with how to best secure for the future the gains that were made in America's late Revolution. The two opposing political parties were the political expressions of two basically opposed ideological approaches to the same end.

Jackson Turner Main in his work, Political Parties Before the Constitution, focused attention upon political partisanship in the states during the Confederation era.⁴⁶ His computer-assisted study was based on a roll call analysis of the votes in the state legislatures and a collective biographical study of the state legislators. He found strong evidence of a consistently recurring two-party system within each state. Main designated these groups as Localists and Cosmopolitans. Localists were inclined to favor minimizing the cost of government by supporting lower salaries or no salaries. Main noted that the one exception was their general preference for paying themselves good salaries as state legislators and attributed this to their lower economic status. In general, they were in favor of reducing taxes, and they favored debtors over creditors. They were usually for inflationary policies and consistently worked to secure a plentiful supply of currency. Their efforts were usually directed toward laws that would be beneficial to small farmers and they showed a definite anti-business and anti-townspeople proclivity. They were particularly opposed to prosperous Loyalists. They were consistently against salaries for judges and opposed the establishment of new courts. They were constantly agitating for the removal of state capitals from the seaboard cities to the interior. In general, they were dissatisfied with the Peace Treaty and often objected to forced conformity to its provisions, particularly the provision providing for the payment of debts to their British creditors. Furthermore, they granted money to the Continental Congress but only with great reluctance. Regarding the ratification controversy, Localists became anti-Federalists objecting either to the Constitution

outright or to adopting it without amendments. On the other hand, the Cosmopolitans occupied the opposite ground on the issues enumerated above and were consistently strong supporters of the Constitution during the ratification controversy.

Main also concluded that there were leaders who were conscious of these loosely knit parties. Their appeals to the public showed that they recognized they were existing as parties and that many of the Localists saw parties as "a vehicle for popular opposition to authority, inevitable in and essential to a democratic society."⁴⁷ While all the various influences on party affiliation existed before the Revolution, the parties themselves came into existence after the war. By the end of the Confederation period, Main found evidence of party organization in several states. These party organizations became the vehicles for pressing the ratification debate.⁴⁸

While Main did not commit himself to the historical continuity between the Localists and the Republicans and the Cosmopolitans and the Federalists, he did assert that the agrarian-Localists formed a core of the Jeffersonian Republican party in the first party system under the Constitution and that the commercial-Cosmopolitans merged with the Federalists. He was inclined to the idea that the national parties under the Constitution adapted to and modified the pre-existent state blocs.⁴⁹

Rudolph Bell made a major contribution to the understanding of the role of the House of Representatives in the development of the first party system with his Party and Faction in American Politics: The House of Representatives, 1789-1801.⁵⁰ Bell's work was based on a sophisticated computer-assisted analysis of all the roll calls taken in the

House of Representatives through the first six Congresses. Bell found that it was the struggle over determining the proper limits of power for the new government under the Constitution that brought into being the national parties. Under the Articles of Confederation, the ultimate determinants of the limits of power were the state governments. Under the new Constitution, even though certain restraints were implied, Bell found the reasons that the new government, despite its verbal homage to restraints on power, assumed for itself the right to decide its own limits of power. Therefore, a basal shift in government authority occurred whereby "power exercised within limits set by external forces gave way to power circumscribed only by its own volition."⁵¹ It was the Constitution as it was implemented during the 1790's that provided the potential mechanism for this change in the nature of power, and in the process of the struggle "polarized groups formed to debate and decide this critical issue."⁵²

Bell found that on a number of issues not directly involving the question of the limits of power of the government the opposing coalitions that formed over this issue were not highly consistent. He traced the struggle over the limits of power on issues relating to the President's power to remove appointees confirmed by the Senate, and economic issues that increasingly set aside narrow, personal, or state interests and confronted the essential thrust of Hamilton's fiscal program through the time of the First Congress. He concluded:

Far from being random or purely state oriented, voting patterns in the First Congress revealed the effective formation of interest groups on roll calls involving the power of the central government and the allocation of responsibility within it.⁵³

An important milestone was reached when suppression of the Whiskey

Rebellion "established central authority limited only by its own volition . . ."⁵⁴ Bell found both houses, and particularly the Senate, endorsed without reservation the strong action taken by the administration in suppressing the rebellion.⁵⁵

Bell discovered that the blocs that formed during the House debate over the Whiskey Rebellion voted cohesively on other issues as well. From the Third Congress onward, national legislative parties consistently formed within the House of Representatives, and by the time of the first session of the Fourth Congress, voting on the "Livingston Resolution and the closely related Jay Treaty controversy marked the beginning of the primacy of the party considerations in roll call voting."⁵⁶ Bell believed that by the time of the Fifth Congress, when the Alien and Sedition Laws were passed, voting in the interest of party over policy had reached its climax.⁵⁷

The time frame of this important analysis of the House coincides exactly with that of the present study of the Senate, and this factor enhances its value as a comparative study. The work offers numerous occasions for contrasts and parallels of the two houses. A close comparison of the rate at which parties developed in the two branches of Congress will be made in a later chapter. Some of Bell's insights into the causation of partisanship in the House also has relevance for the study of partisan developments in the Senate.

H. James Henderson's works on partisan politics in the Continental Congress have great relevance for the understanding of the beginning of the first party system under the Constitution.⁵⁸ Henderson's works combined the traditional modes of historical inquiry with computer

assisted quantitative analysis of roll calls in the Continental Congress. He analyzed all but the unanimous and near unanimous roll calls and came to the conclusion that Congressional politics rapidly produced "sustained coalitions of delegates that were more than personal 'connections'." These partisan alignments, "If judged for behavior rather than motive or admission, took the shape of legislative parties."⁵⁹ Furthermore:

Considering voting patterns, contests over the control of those appointments that Congress had within its grasp, and the intensity of partisan rhetoric, party lines were as consistently drawn and battles as sharply fought in the Continental Congress as in Congress today.⁶⁰

While a number of voting blocs were discovered in various years, Henderson found that there were two general blocs that continued to reappear year after year. That is, delegates to Congress changed from year to year but the blocs continued to exist. The Eastern bloc was made up primarily of delegates from the New England states with some support from the middle and, to a lesser degree, the Southern states. The opposition bloc also persisted through every Congress and was made up primarily of delegates from the Southern and middle states with still fewer coming from New England.

With neither of the three regions of the country able to dominate national politics on its own, regional alliances were necessary in order to achieve any degree of success in the Congress. Since the New England and Southern states tended to be consistently opposed, the balance of power rested largely with the middle states which could give victory to either side by combining forces. Middle state representatives were in some instances the center of the controlling coalition with New England or the Southern states giving the supportive strength, but in general, "they were constantly pulled toward a dichotomization of the Congress

around the New England and southern extremities."⁶¹

"Actually sectional division increased rather than diminished over time . . ."⁶² But Congressional politics, though structured in a highly sectional manner, were not static, for, beneath the constant sectional character of Congressional factionalism, there was a dynamic progression of sectional ascendancies. Henderson found that from 1774 through 1779 the Eastern states were in the ascendancy, and from 1780 through 1783 the locus of power shifted to the middle party. By 1784, the Southern delegates achieved such a high level of cohesion that they were able to lead in shaping policy on most issues.⁶³

In 1786, the year of crisis for the Confederation, two sectionally oriented blocs emerged with the Northern coalition being the stronger. The Northern coalition was made up of representatives from New England and the middle states, and the Southern coalition consisted of delegates from Maryland southward. The single most responsible factor behind this alignment was the dispute over the acceptance of the treaty which had been negotiated by John Jay, Secretary of Foreign Affairs, and Don Diego de Gardoqui, Spanish Minister to the United States. Jay had agreed to relinquish American claims to navigation of the Mississippi for the life of the treaty--either 25 or 30 years. In return, he had won concessions that were quite favorable to the middle and New England commercial and shipping interests. The South was adamantly opposed to any compromise of free navigation of the Mississippi River and depreciated the commercial benefits that had been secured by the treaty. But their "prime grievance was that the treaty sacrificed the interest of one part of the Union for the presumed advantage of another."⁶⁴

Henderson found both ideology and economic factors to be among the sources of the regional parties. It was "apparent in retrospect a basic source of the problem was that regional cleavages and controversies not only were a result of economic sectionalism" but they were "freighted with ideological content involving the meaning of the Revolution and the definition of Republican party."⁶⁵

Ideology was found to be a particularly strong influence on Congressional politics through the period of Eastern ascendancy through the war years. Through this time, New Englanders were the champions of extreme radical republicanism while the Southerners created the image of being conservative aristocratic elitists. With the shifting of power from the Eastern to the middle states from 1780 to 1782, the influence of ideology was in decline.⁶⁶ As the South gained the ascendancy after 1783, ideology increased in importance once more. The Southern "ideology" of agricultural expansion pointing westward included enough of the earlier Eastern attitudes toward the dangers of governmental power and the need for constitutional restraints to place it in the category of republicanism. But where the Eastern Republicans had deprived their republicanism from religious faith, the Southern ideology of the West was strikingly secular in nature and origin. It looked forward to continental grandeur rather than back to ancestral virtue. It was individualistic rather than collective and stressed personal liberties rather than communal obligations.⁶⁷ The Southern interest in the Western expansion was a significant influence in changing the ideological stance of the South. Henderson also pointed out it was this Southern concern for expansion of the West that helped to move Madison and other Southerners into support of a strong nationalism which characterized

Southerners and particularly Virginians during the period of the formation and adoption of the federal Constitution.⁶⁸

Henderson's discovery of legislative parties within the Continental Congress provided the primary inspiration for the present study, for, of the two houses of Congress under the Constitution, the Senate of the Federalist era resembles the Continental Congress much more closely than did the House of Representatives. The Senate, like the Continental Congress, was made up of men selected by the state legislatures for the purpose of representing their respective states, whereas the larger House of Representatives was elected by the people often voting by districts within their states. Furthermore, the early Senators, as a group, were predominantly former delegates to the Continental Congress. Therefore, the present study was designed to determine, among other things, if the legislative parties that had functioned consistently through the Continental Congress would be found operating in a similar manner in the federal Senate.

Methodology

This study utilizes multiple modes of inquiry, combining quantitative techniques with the more traditional methods of historical analysis. Since it was thought that parties probably began before the leading personalities were willing to admit their existence, it was decided that a quantitative analysis of roll-call behavior would be the most reliable means of determining the beginning and extent of early partisan behavior within the Senate. This focused attention upon basic legislative behavior rather than rhetoric, which was often designed to reduce the influence of their opponents rather than describe events as they really

were. The statistical findings did indicate that partisan voting characterized the Senate much earlier than the participants were willing to admit and much earlier than most modern historians have recognized. Therefore, traditional modes of historical inquiry were used to test the validity of the conclusions drawn from the statistical evidence and relate the findings to the general political developments of the time.

The analysis began with a search of each session of Congress in order to find when repetitive alliances involving most of the Senate began to appear in each successive session. This was carried out by constructing cluster blocs based on percentage of agreement scores derived from comparing each Senator's voting record with that of every other Senator. The procedure generated evidence of two generally repetitive alliances in each session of the first six Congresses. The results of this procedure were then compared to the results obtained from cumulative scaling. This comparison resulted in a general confirmation of the indications of partisanship derived from cluster bloc analysis. Assuming the existence of parties, three measures of inter-party conflict were then employed: the frequency with which the majorities of each party opposed each other, the frequency with which majorities of 80 percent or higher from each party opposed each other, and the computation of indexes of polarized cohesion for each roll call and the frequencies with which selected levels of conflict were measured. The last index was useful in analyzing the issues which produced the greatest conflict, and allowed a direct comparison of partisanship within the Senate with that of the House as measured by Rudolph Bell. Two measures of intra-party behavior were then employed to produce a more refined picture of partisanship than was developed by the first technique.

Indexes of relative party cohesion were employed for both parties on each roll call of every session and averaged to give a general view of party strength through the session. Finally, indexes of relative party loyalty were computed for every member of the Senate in each session. Each procedure measured a different aspect of group or individual behavior, and helped to fill out a general description of partisanship that in some respects exceeds that of the modern Senate.

The more involved computations were performed by the assistance of a computer. Lesser tasks were carried out with an electronic calculator. Since the quantitative procedures utilized are among those widely used in legislative analysis, the statistical procedures are not described in detail. However, since it is anticipated that some students of history who might wish to consult the study may not be familiar with the statistical processes involved, a brief explanation of each analytical procedure is incorporated in the review of the quantitative findings in the following chapter. For those who desire more technical information, a number of works on quantitative procedures useful to historians are readily available in university and college libraries. Some of the more helpful are listed in the Bibliography. The work by Anderson, Watts, and Wilcox will possibly prove to be more useful to the beginner, especially in regard to cumulative scaling.

It should be noted that although cumulative scaling is most frequently used to analyze differing attitudes toward an issue on a set of preselected roll calls (a universe), scaling procedures can also be used to select a universe of scalable votes from a larger population.⁶⁹ The latter function is also employed in this study. In order to make each universe as inclusive as possible and yet have reliable scales, all

votes within the population possessing a mutual Q value of plus or minus .5 or higher were included in the universe, as suggested by Dollar and Jensen.⁷⁰ Only a very few roll calls selected in this manner had to be excluded because they proved to be unscalable. Senators were not classified if they were absent on over half of the roll calls or were given an "error" as a result of casting an errant/vote on over 20 percent of the roll calls. There were some instances when the situation seemed to justify classifying a Senator even though these standards were not met, but all such cases are clearly identified on the figures in in Appendix A.

Three methodological options affected the outcomes of all analytic procedures to some extent. First, a small number (28 out of 554) of unanimous and near unanimous votes (those reaching 90 percent agreement or higher) were excluded from most calculations because they reveal nothing of the lines of party makeup. These were clearly non-partisan votes. However, when frequency of cohesion or conflict were the subject of inquiry these votes were included in the calculations. Second, all absences were treated as missing data and did not, therefore, affect the outcome of the various indexes. This resulted in all indexes being relative indexes, computed on the basis of votes actually cast. This type of index was computed because it was concluded that most absences were non-tactical in nature, being due to health, transportation, family, or financial problems. Given the frequent long absences the relative indexes give a much more realistic measure of the actual strength of partisanship than would absolute indexes. Third, it was decided to compute all indexes by sessions rather than by Congresses. In some sessions the indexes for a party were slightly raised or lowered, in

others there would have been no significant difference. The most significant result came in an exaggerated amount of shifting from one party to another. Had the indexes been computed by Congresses rather than by sessions, the appearance of party stability would have been greatly enhanced, and in some cases exaggerated. The results of computing indexes of party loyalty by Congresses are shown in Appendix C.

The quantitative analysis was indispensable in the search for partisan behavior and its accurate measurements, but statistical results in legislative analysis can sometimes be misinterpreted, for a statistical examination of a roll call can reveal how a legislator voted on a given occasion, but it cannot explain his motives. Therefore, the more traditional modes of historical inquiry were used to interpret the significance of the statistical data and to gain extra insight into unique patterns of voting, particularly on the issues of assumption and the location of the national capital during the second session of the First Congress. Traditional modes were also essential to relating the Senate to the growth of parties within the government and among the electorate.

FOOTNOTES

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²Joseph Charles, The Origins of the American Party System: Three Essays (New York, 1956).

³Ibid., p.

⁴Nobel E. Cunningham, Jr., The Jeffersonian Republicans: The Formation of the Party Organization, 1789-1801 (Chapel Hill, 1957).

⁵Forrest McDonald, We the People, the Economic Origins of the Constitution (Chicago, 1958).

⁶H. James Henderson, "The First Party System," Perspectives in Early American History: Essays in Honor of Richard B. Morris, eds. Alden Vaughn and George Billias (New York, 1972).

⁷William Nesbit Chambers, Political Parties in a New Nation: The American Experience, 1776-1809 (New York, 1963).

⁸Ibid., p. 29.

⁹Ibid., p. 10.

¹⁰Ibid.

¹¹Mary K. Ryan, "Party Formation in the United States Congress, 1789 to 1796: A Quantitative Analysis," William and Mary Quarterly, 3rd Ser., Vol. XVII (Oct., 1971), pp. 523-542.

¹²Ibid., p. 531.

¹³Ibid., p. 532.

¹⁴Ibid., p. 538.

¹⁵Ibid., p. 538.

¹⁶Ibid., p. 538.

¹⁷Ibid., p. 538.

¹⁸Ibid., p. 538.

¹⁹Ibid., pp. 538-539. Ryan's analytic procedures have also been criticized as inadequate. James Henderson has argued that her quantitative treatment of the roll call data was inadequate for identifying a major third party if such existed within either of the legislative bodies. See H. James Henderson, "Quantitative Approaches to Party Formation in the United States Congress: A Comment," William and Mary Quarterly, 3rd Ser., Vol. XXX (March, 1973), pp. 308-323.

²⁰Paul Goodman, "The First American Party System," The American Party Systems: Stages of Political Development, eds. William Nisbet Chambers and Walter Dean Burnham (New York, 1967), pp. 56-89.

²¹Ibid., p. 56.

²²Ibid., pp. 56-57.

²³Ibid., p. 57.

²⁴Ibid., p. 63.

²⁵Ibid.

²⁶Ibid.

²⁷Ibid.

²⁸Ibid., p. 75.

²⁹Ibid.

³⁰Ibid.

³¹Ibid.

³²Ibid.

³³Ibid., p. 86.

³⁴Ibid.

³⁵Richard Buel, Jr., Securing the Revolution: Ideology in American Politics, 1789-1815 (Ithaca, 1972).

³⁶Ibid., pp. ix-x.

³⁷Ibid.

³⁸Ibid., p. 8.

³⁹Ibid.

⁴⁰Ibid., p. 11.

⁴¹Ibid., pp. 12-13.

⁴²Ibid., p. 34.

⁴³Ibid., p. 17.

⁴⁴Ibid., p. 23.

⁴⁵Ibid., pp. 29-30.

⁴⁶Jackson Turner Main, Political Parties Before the Constitution (New York, 1973).

⁴⁷Ibid., p. 405.

⁴⁸Ibid., p. 406.

⁴⁹Ibid.

⁵⁰Rudolph M. Bell, Party and Factions in the American Politics: The House of Representatives, 1789-1801 (Westport, 1974).

⁵¹Ibid., p. 32.

⁵²Ibid., pp. 32-33.

⁵³Ibid., p. 39.

⁵⁴Ibid., p. 39.

⁵⁵Ibid., pp. 46, 48.

⁵⁶Ibid., pp. 51, 54.

⁵⁷Ibid., pp. 58-59.

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⁶⁰Henderson, Continental Congress, pp. 5, 430.

⁶¹Ibid., p. 431.

⁶²Henderson "Structure of Politics," p. 171.

⁶³Ibid., pp. 170, 174.

⁶⁴Henderson, Continental Congress, pp. 391-392.

⁶⁵Henderson, "Structure of Politics," p. 192.

⁶⁶*Ibid.*, pp. 178-184.

⁶⁷*Ibid.*, p. 188.

⁶⁸*Ibid.*, pp. 190-191.

⁶⁹Lee F. Anderson, Meredith W. Watts, Jr., and Allen R. Wilcox, Legislative Re-call Analysis (Evanston, 1966), pp. 89-119.

⁷⁰Charles M. Dollar and Richard J. Jensen, Historian's Guide to Statistics: Quantitative Analysis and Historical Research (New York, 1971), pp. 116-121.

CHAPTER II

STATISTICAL ANALYSIS

Introduction

The basic hypothesis of this study holds that the larger portion of the United States Senate was bipolarized into consistently opposing legislative groups, or parties, during the Federalist era. There were some Senators who had weak or no party attachments, and sometimes state and regional interests might overrule partisan loyalty or inclinations, but in every session of the era two blocs of highly consistent membership opposed each other on a majority of the roll calls. The several analytic procedures reviewed in this study all repetitiously compliment each other in clearly corroborating this hypothesis.

Cluster-Bloc Analysis

The first quantitative analysis involved the construction of cluster-blocs based on percentage of agreement scores derived from pairwise comparisons. Each vote in every session of the Senate was examined. Only 28 out of 554 roll call votes from the first six Congresses were discarded because they exceeded 90 percent agreement. With the aid of a computer, the vote of every Senator was then compared to the vote of every other Senator on each roll call and a matrix of agreement scores was constructed. Senators who voted regularly together were then

assigned to the same cluster-bloc. As clusters of Senators were identified for each of the 15 sessions of the Federalist period, an indisputable picture of two highly consistent groups of legislative adversaries emerged.

Most members of the Senate fell into one of two major blocs that appeared in every session. Furthermore, the membership of these two blocs was basically the same from session to session. Further examination of the blocs showed 73 percent of the 93 Senators were identified with only one party during their incumbency. Thus, only 25 Senators were ever identified with more than one of the major legislative groups. Eleven of this number changed bloc associations only once, either remaining a part of the opposition group after once voting with it, or changing their bloc association only in the last session of their incumbency. Of the other 14, 8 reverted to their original voting identity after one or two sessions. Therefore, only 6 of the 93 Senators (only 6 percent of the total) can be classified as independents or non-partisans. It is doubtful that even all of this small group can be accurately labeled non-partisan.

Then, as now, overriding state, local, or personal interests might cause a legislator to cast a number of votes against his party on a given issue without identifying permanently with the opposition. When this is taken into consideration and coupled with the fact that most public men disavowed and condemned partisan behavior, the Senatorial blocs shown in Table I are surprisingly consistent in size and membership. This remarkable continuity in the composition of the legislative blocs from the earlier Congresses through the closing Congresses, when the Federalist and Republican parties functioned openly, is the basis for

TABLE I

BLOC (PARTY) ASSOCIATIONS DERIVED
FROM CLUSTER-BLOC ANALYSIS

State	Seat	Bloc Associations by Congress and Session														
		I			II		III			IV		V			VI	
		1	2	3	1	2	1	2	3	1	2	1	2	3	1	2
VT	1	-	-	-	f	F	R	r	/F	F	f-	F	f	F	F	F
	2	-	-	-	F	f	R	R	R	R	/f	F	F	F	F	F
NH	1	R	r-	f	F	F	r	r-	R	R	R	R	R	R	R	R
	2	f	R	F	F	F	/f	r-	F	F	F	R	f-	f	F	f-
CT	1	F	f-	F	F	F	F	F	F	f	/F	F	F	F	F	f-
	2	f	F	F	/f	F	/F	f	/F	F	/F	F	F	F	F	F
MA	1	F	F	F	/F	f	F	F	F	F	/F	F	F	F	F	/f-
	2	F	f	F	f	F	F	F	F	F	/F	F	F	F	/F	/F
RI	1	-	f-	f	F	F	F	f	F	F	f	f-	f	F	F	R
	2	-	f-	F	f	F	/F	F	F	F	f-	F	/F	F	F	f-
NY	1	f	F	F	f	f	F	F	F	F	/F	F	F	f-	F	/R
	2	f-	F	f-	/f-	R	R	R	R	R	r-	o	//F	/F	/f	F
PA	1	r	R	f	o	o	R ¹	f	F	f	F	F	F	f-	F	F
	2	F	r-	f	r	f	F	f-	/F	f	F	F	f	f	F	F
NJ	1	f	r	F	/f	F	f	F	F	f	F	F	F	/F	/F	F
	2	F	F	/F	r-	F	/F	f	F	f-	F	F	F	F	/F	F
DE	1	F	R	F	f	F	/F	f-	F	F	F	F	/F	/F	F	F
	2	F	R	f	f	F	o	/F	F	F	F	F	F	f	F	F
MD	1	r-	R	R	r	/r	f	f-	F	f	/f-	F	F	f	f	F
	2	r-	r-	r	R	f	f	f	F	r-	r	f-	/f	F	F	/F
KY	1	-	-	-	-	r-	R	R	R	R	R	R	R	R	R	R
	2	-	-	-	-	R	R	f-	/f-	r-	f	f-	r-	r-	r-	r
VA	1	R	/r-	/R	R	R	R	o	/R	r	r-	R	R	R	R	R
	2	R	R	R	R	/R	R	/r-	R	R	R	R	R	o	R	/R
TE	1	-	-	-	-	-	-	-	-	-	R	R	R	/R	R	R
	2	-	-	-	-	-	-	-	-	-	r	R	/R	o	/R	R
NC	1	-	R	R	R	r-	r	f	/R	R	R	R	R	R	R	R
	2	-	r-	f	R	f	/R	r	R	R	r	R	r-	R	/R	R

TABLE I (Continued)

State	Seat	Bloc Associations by Congress and Session									
		I			II		III			IV	
		1	2	3	1	2	1	2	3	1	2
SC	1	R	f-	R	R	r-	R	o	R	R	/R
	2	r-	f-	R	r	f-	F	F	/F	f	F
GA	1	nc	f-	R	R	R	/R	R	R	/r	R
	2	r	r-	r	R	R	R	R	F	f	R

Key: F = core number of Federalist bloc, reserved for those who agreed with every other Senator in the group at least 67 percent of the time and usually the percentage of agreement is significantly higher; f = moderate Federalist, reserved for those who agreed with the majority of the core members at least 67 percent of the time; f- = weak Federalist, reserved for those who do not meet the above requirements yet vote with them more than with the opposition; R, r, r- = Republicans meeting the same standards of association as described for the Federalists; - = state not yet in the Union; o = absent or seat vacant; / = a new Senator has assumed office; // = two Senators held office and voted during the term, but their agreement levels and party identification are the same; nc = not classifiable due to either excessive absences or splitting votes equally between parties.

Note: Albert Gallatin of Pennsylvania was removed from office early in the session on the grounds that he did not meet the Constitutional requirements for citizenship; while a Senator he voted seven out of eight times with the Republicans on highly polarized issues. His successor, Senator Ross, receives a rating of r- for the remainder of the session.

identifying the opposing blocs by these terms from the First Congress on, even though these labels were not commonly used at the outset.

Regionalism is the most obvious characteristic of the blocs revealed by the table. The Federalist bloc is made up predominantly of Senators from the New England and middle states. The Republican bloc was always predominately composed of Southerners. The strong core of the latter

TABLE II

MEMBERS OF THE SENATE, FIRST THROUGH THE SIXTH CONGRESS
ARRANGED BY SEAT AND ORDER OF SERVICE

State	Seat	Name of Senator
VT	1	Stephen R. Bradley (2:1-3:2) /(Elijah Paine (3:3-)
	2	Moses Robinson (2:1-4:1) /Isaac Tichenor (4:2-5:1) /Nathaniel Chipman (5:2-)
NH	1	John Langdon (1:1-)
	2	Paine Wingate (1:1-2:2) /Samuel Livermore (3:1-)
CT	1	Oliver Ellsworth (1:1-4:1) /James Hillhouse (4:2-)
	2	William S. Johnson (1:1-1:3) /Roger Sherman (2:1-2:2) /Stephen M. Mitchell (3:1-2)
MA	1	Tristram Dalton (1:1-1:3) /George Cabot (2:1-4:1) /Benjamin Goodhue (4:2-6:1) /Dwight Foster (6:2-) /Caleb Strong (1:1-4:1) /Theodore Sedgwick (4:2-5:3) /Samuel Dexter (6:1) /Jonathan Mason (6:2-)
	2	
RI	1	Theodore Foster (1:2-)
	2	Joseph Stanton, Jr. (1:2-2:2) /William Bradford (3:1-5:2) /Ray Greene (5:2-)
NY	1	Rufus King (1:1-4:1) /John Laurance (4:2-6:1) /John Armstrong (6:2-)
	2	Phillip John Schuyler (1:1-1:3) /Aaron Burr (2:1-4:2) /John S. Hobart (5:2) /William North (5:2) /James Watson (5:3- 6:1) /Couverneur Morris (6:1-)
PA	1	William Maclay (1:1-1:3) /Albert Gallatin (1:3) /James Ross (3:1-)
	2	Robert Morris (1:1-3:2) /William Bingham (3:3-)
NJ	1	Jonathan Elmer (1:1-1:3) /John Rutherford (2:1-5:2) /James Davenport (5:3) /Jonathan Dayton (6:1-)
	2	William Peterson (1:1-1:2) /Philemon Dickinson (1:3-2:2) /Fredrick Frelinghuysen (3:1-4:1) /Richard Stockton (4:2- 5:3) /James Schureman (6:1-)
DE	1	Richard Bassett (1:1-2:2) /John Vining (3:1-5:1) /Joshua Clayton (5:2) /William H. Wells (5:3-)
	2	George Read (1:1-2:2) /Henry Latimer (3:2-)

TABLE II (Continued)

State	Seat	Name of Senator
MD	1	Charles Carroll (of Carrollton) (1:1-2:1) /Richard Potts (2:2-4:1) /John E. Howard (4:2-)
	2	John Henry (1:1-5:1) /James Lloyd (5:2-6:1) /William Hindman (6:2-)
KY	1	John Brown (2:2-)
	2	John Edwards (2:2-3:2) /Humphrey Marshall (3:3-)
VA	1	William Grayson (1:1) /John Walker (1:2) /James Monroe (1:3-3:1) /Stevens T. Mason (3:3-)
	2	Richard Henry Lee (1:1-2:1) /John Taylor (2:2-3:1) /Henry Tazewell (3:2-6:1) /Wilson C. Nicholas (6:1-)
TE	1	William Blount (4:2-5:1) /Joseph Anderson (5:2-)
	2	William Cocke (4:2-5:1) /Andrew Jackson (5:2) /William Cocke (6:1-)
NC	1	Benjamin Hawkins (1:2-3:2) /Timothy Bloodworth (3:3-)
	2	Samuel Johnston (1:1-2:2) /Alexander Martin (3:1-5:3) /Jesse Franklin (6:1-)
SC	1	Pierce Butler (1:1-4:1) /John Hunter (4:2-5:2) /Charles Pickney (5:3-)
	2	Ralph Izard (1:1-3:2) /Jacob Read (3:3-)
GA	1	William Few (1:1-2:2) /James Jackson (3:1-3:3) /Josiah Tattnall (4:1-5:3) /Abraham Baldwin (6:1-)*
	2	James Gunn (1:1-)

Key: Numbers within parentheses designate the sessions of Congress in which a senator actually voted. (1:1-) = began serving the first session of the First Congress and continued through our period of study; no reference is intended regarding service beyond the second term of the Sixth Congress. Numbers connected by a dash (1:1-3:2) indicate the beginning and ending term. Reference to a single term not followed by dash (3:2) indicates that the Senator only served one term.

*Walton preceeded Tatnall but only cast three votes; therefore, he has not been included in the tabulations.

came mostly from Virginia, Tennessee, North Carolina and Kentucky in that order. Men from Virginia and Tennessee most always voted a majority of the time each session with the Republicans. After the second session of the Second Congress, Ralph Izard of South Carolina and his successor, Jacob Read, always belonged to the Federalist Party. After the last session of the First Congress, Few, Jackson, Tatnall and Baldwin, all of Georgia, were always a part of the Republican core except for the second session of the Fifth Congress when Tatnall ranked only as a moderate. Maryland Senators voted consistently with the Republicans until the last of the Second Congress when Henry was attached to the Federalist moderates. From the beginning of the Third Congress on, both Maryland Senators cast the majority of their votes with the Federalists except for Henry who voted with the Republicans for both sessions of the Fourth Congress and then reverted to the Federalists for his last term in the Senate.

From states north of Maryland, the most enduring Republican support came from New Hampshire's John Langdon who voted consistently with that party for six Congresses with the exception of the last session of the First through the Second Congress. Aaron Burr of New York voted with the Federalists in the first session of the Second Congress and then voted with the Republicans until he left the Senate after the close of the Fourth Congress. William Maclay of Pennsylvania strongly opposed the Federalist measures in the first two sessions of the First Congress; but in the third session, he agreed with the Federalist majority on the establishment of the national bank and amending the bill providing for the location of the capital. Robinson of Vermont voted with the Republicans the last four sessions of his senatorial career after

voting with the Federalists his first two sessions. Bradley, of the same state, followed a similar pattern, voting Federalist for two terms and then Republican during his last two terms. Thus, it is clear that Republican strength in the Senate came mainly from the Southern states.

Federalism thus drew most of its support from states outside the South. Indeed, with the exceptions noted above, Senators from New England and the middle states behaved as Federalists consistently through the entire six Congresses of the Federalist era. Connecticut and Massachusetts men were strong Federalists with no exceptions. Rhode Island voted solidly Federalist except for the last session of the Sixth Congress when Foster voted with the Republicans. New Jersey and Delaware each voted with the Republicans in one session. Except for one seat from South Carolina, Senatorial Federalism could count on no dependable support south of Maryland and in the first two Congresses they could not count on Maryland. Federalism in the Senate, even more than Republicanism, was a sectional movement.

Finally, it is obvious that the Federalists were in the majority in the Senate throughout all six Congresses. Only in the second session of the First Congress did Republicans appear to match the Federalists, but that session was unique. The struggles over assumption and funding and the location of the capital dominated the session, and each of these issues involved sub-issues that produced atypical combinations. Contention over assumption and funding created many votes on secondary issues in which both friends and foes of assumption combined temporarily out of mixed motives. These secondary issues resulted in unusual alignments for Northern Federalists in particular. The struggle over the site of the capital was partly shaped by regional self-interest and prejudices

that created extraordinary voting combinations. Voting on the matter of a temporary residence created exceptional alliances especially for Southern Republicans. A quick check of Table I reveals that this session was the only session in which five Senators who changed parties immediately reverted to their original party identification in the next session, never to change again. Further explanation of the uniqueness of the voting patterns of this session is reserved for the next chapter, the point now being that the apparent 50-50 split between the two opposing groups in this session need not detract from the otherwise obvious numerical superiority of the Federalists in the Senate throughout the entire Federalist era.

Cluster-bloc analysis revealed the Senate tended to divide consistently into two sectionally oriented alignments. Other analytic approaches were used to determine the degree of conflict between the parties and the cohesiveness within each of them, as well as the nature of the issues that provoked the strongest conflict.

Cumulative Scaling

In order to further validate or refute the assumption that the composition of voting blocs was highly regular from one session of Congress to the next, cumulative scaling, often referred to as Guttman scaling, was utilized. Theoretically, cumulative scaling is most useful in an analysis of legislative behavior when the object is to measure the influence of a single variable such as an attitude on an issue or party affiliation on a given universe of roll calls. However, in the present study the procedure has been used to search for the largest possible universe of scalable roll calls in effort to discover the probable limits

of party affiliation as a controlling factor in the behavior of a given body of legislators.

It was decided that, if cumulative scaling was to confirm the existence of Senatorial parties as indicated by cluster-bloc analysis of percentage of agreement scores, the derived scales should possess three characteristics: the scales should be based upon a majority of the roll calls taken during the session; they should portray a polarized body; and the membership of the emerging blocs constructed from the scales should portray a high degree of consistency--that is, they should disclose that a majority of the Senators tended to vote with the same bloc in every session of Congress. If, on the other hand, large multiple-issue scales (universes) failed to emerge, or if the scales failed to show a habitually polarized body, or if the membership of the opposing blocs was found to be essentially different in each scale, then the conclusions drawn from the percentage of agreement cluster blocs would be negated. The scaling results confirmed the findings derived from the percentage of agreement analysis.

After carrying out the scaling procedures, it was discovered that in every session but one, the second session of the First Congress, only one major universe emerged. In the second session of the First Congress, there were three highly related universes. The criterion of a majority of votes being scalable if partisanship characterized the Senate's behavior was amply exceeded. Seventy-four percent of all roll call votes (exclusive of the 28 unanimous or near unanimous votes) were included in the scales.

Striking parallels with the results of the earlier cluster-bloc analysis emerged from the scaling procedures. In every major scale,

bipolarization was clearly evident.

Table III shows the number of Senators placed in each level of possible support or opposition to the major alliances. It is evident from this table that 490 ranking assignments were made, and of this number only nine (1.8 percent) were placed in either of the two lower categories of party support. On the other hand, 65.1 percent of the rankings fell within the 90 to 100 percent level of partisan support. If the measurement is extended to include the 80 percent support levels, the percentage of rankings rises to 80. Extended to 70 percent, the figure rises to 86.5 percent.

Only 30 times did a Senator fail to be classified with one or the other of the two parties, and this translates into a mere six percent of the total occasions. Of this number, 21 were so classified because they were absent for over 50 percent of the voting.

Cumulative scaling provides substantiating evidence of bipolarization in every Congress of the Federalist era. When the membership of the blocs constructed from cumulative scales (Table IV) are compared with the blocs derived from percentage of agreement scores (Table I) for the 15 sessions, it is readily obvious that the composition of the blocs derived from the two independent procedures are so comparable that it is highly improbable that the results could derive from chance. Table V facilitates this comparison by listing all the men who are perceived to have changed agreement patterns according to both methods of analysis. Out of 95 Senators whose votes were quantified, only 27 names appear on the table. Only three appear on the list from cluster-bloc analysis that do not appear on the tables derived from cumulative

TABLE III
LEVELS OF PARTISAN SUPPORT DERIVED FROM CUMULATIVE SCALING

Congress	Session	Percentage of Federalist Support					Percentage of Republican Support					NC ¹
		90-100	80-89	70-79	60-69	51-59	51-59	60-69	70-79	80-89	90-100	
First	First	8 ²			1				3		4	5
	Second											
	Scale-1	9			3			2		4	7	1
	Scale-2	8	1					4		5	7	1
	Scale-3	10	2		4					1	9	
Second	Third	12		4						2	8	
	First	9	1	2		1				6	6	2
	Second	14	5							2	8	
	First	12	3						2	8	5	
	Second	7	2	4	4			1			7	4
Third	Third	17	1			1					10	1
	First	13	1				1		3		7	5
	Second	12	3	1		2			3	1	9	1
	First	11	5			1	1		1		9	3
	Second	14	4	2			2		2	2	6	1
Fourth	Third	10	3	1	3			2		1	8	1
	First	14	6	2				1	1	1	8	
	Second	12	3		1			1	1		9	5
	First	14	6	2				1	1	1	8	
	Second	12	3		1			1	1		9	5
Totals (N = 490)		192	40	16	16	5	4	11	16	33	127	30

¹NC = non-classified due to excessive errors or absences.

²Numbers in column represent the number of individuals in each decile.

TABLE IV

BLOC ASSOCIATIONS DERIVED FROM CUMULATIVE SCALING

State	Seat	Bloc Associations by Congress and Session														
		I			II		III			IV		V			VI	
		1	2	3	1	2	1	2	3	1	2	1	2	3	1	2
VT	1	-	-	-	F	F	R	R	/F	Nf	F	F	F	F	F	F
	2	-	-	-	F	F	R	R	R	R	/F	F	/F	F	F	F
NH	1	Nr	r*	F	F	F	R	R	R	R	R	R	R	R	R	R
	2	Nf	R	F	F	F	/F	R	F	F	Nr	r-	F	F	F	Nf
CT	1	F	f*	F	F#	F	F	F	F	Nf	/F	F	F	F	F	N
	2	f	F	F	/F	F	/F	F	/F	F	/F	F	F	F	F	F
MA	1	F	F	F	/F	F	F	F	F	F	/F	F	F	F	F	/Nf
	2	N	f*	F	F	F	F	F	F	F	/F	F	F	F	/F	/F
RI	1	-	f-	F	F	F	F	F	F	F	F	f-	F	F	F	R
	2	-	f-	F	F	F	/F	F	F	F	Nf	F	/F	F	F	f
NY	1	F	F	F	Nf	F	F	F	F	F	F	F	F	Nf	F	r
	2	F	F	F	/N	R	R	R	R	R	R	o	//F	/F	/F	F
PA	1	R	R	F	o	o	//R#	F	F	F	F	F	F	F	F	F
	2	F	r	F	R	F	F	F	/F	F	F	F	F	F	F	F
NJ	1	Nf	r*	F	F	F	F	F	F	F	F	F	o	F	F	F
	2	F	F	/F	R	F	/F	F	F	Nf	/F	F	F	F	/F	F
DE	1	F	R	F	F	F	/F	f	F	Nf	F	F	F	/F	/F	F
	2	F	R	F	f-	F	o	/N	F	F	F	F	F	F	F	F
MD	1	R	R	R	R	/R	F	f	F	F	/R	F	F	F	F	F
	2	R	R	F	R	F	Nf	N	Nf	R	R	Nf	/F	F	F	/F
KY	1	-	-	-	-	R	R	R	R	R	R	R	R	R	R	R
	2	-	-	-	-	R	R	f	/f-	R	F	Nf	R	R	R	Nr
VA	1	R	/R*	/R	R	R	R	o	/R	Nr	R	R	R	R	R	R
	2	R	R	R	R	/R	R	/Nr	R	R	R	R	R	o	R	R
TE	1	-	-	-	-	-	-	-	-	-	R	R	R	/R	R	R
	2	-	-	-	-	-	-	-	-	-	R	R	/R	o	/R	R
NC	1	-	R	R	R	R	R	F	/R	R	R	R	R	R	R	R
	2	-	r*	R	R	F	/R	R	R	R	R	R	Nr	R	/R	R

TABLE IV (Continued)

State	Seat	Bloc Associations by Congress and Session														
		I			II		III			IV		V			VI	
		1	2	3	1	2	1	2	3	1	2	1	2	3	1	2
SC	1	R	f	R	R	R	R	o	R	R	/Nr	R	F	/R	R	Nr
	2	R	f*	R	R	F	F	F	/F	F	F	F	F	R	F	F
GA	1	N	r*	R	R	R	/R	R	R	/r-	R	R	N	R	/R	R
	2	R	R	R	R	R	R	Nr	F	F	R	N	Nr	R	F	F#

Key: F = core member of Federalist bloc, reserved for those scoring 70 percent or more on the scale (usually much higher); f = Federalist moderates who score from 60 through 71 percent on the scale; f- = Federalist fringe members who score between 50 and 60 percent on the scale; R, r, r- = Republicans ranked according to the same standards as those described above for Federalists; - = state not yet in the Union, o = absent or seat vacant; / = a new Senator has assumed office; // = two new Senators divided this term but their voting pattern was similar; N = non-classified by the scale due to excessive absences or scale "errors"; Nf/r or Nr = was non-classified by the scale but very obviously of the type indicated, no reference is intended as to party level; * = a rating resulting from averaging ratings for three universes in the second session of the First Congress in order that comparisons can be readily made with the cluster blocs derived from percentage of agreement scores; # = the party rating is given due to the opinion of the researcher that strict rules for treating excessive absences or errors would tell less truth than to assign the party rating.

scaling, and only two appear on the cumulative scaling list that do not show up on the cluster analysis charts. This means a general discrepancy rate of far less than one-half of one percent.

Cumulative scaling has been used in the present study as an independent test of the fundamental hypothesis which posits partisanship in the Senate from the First Congress onward. The procedure was not used as a means of measuring partisan support or opposition on specific

TABLE V

SENATORS WHO CHANGED BLOC IDENTITY: A COMPARISON OF RESULTS
DERIVED FROM CLUSTER-BLOC ANALYSIS AND CUMULATIVE
SCALING (CALCULATED BY SESSIONS)¹

State	Senator	One Change		Two Changes		Three or More	
		Blocs	Scales	Blocs	Scales	Blocs	Scales
VT	Bradley	X			X		
	Robinson	X			X		
NH	Langdon			X	X		
	Wingate		X	X			
	Livermore					X	X
RI	T. Foster	X	X				
NY	Burr ²	X					
PA	Macclay	X	X				
	Morris					X	X
	Ross ²	X					
NJ	Elmer			X	X		
	Dickinson			X	X		
DE	Bassett		X	X			
	Read		X	X			
MD	Potts	X	X				
	Henry					X	X
	Howard ³		X				
KY	Edwards	X			X		
	Marshall					X	X
NC	Hawkins	X			X		
	Johnston		X	X			
SC	Butler		X	X			
	Hunter	X			X		
	Izard					X	X
	Read ³				X		
GA	Few ²	X					
	Gunn					X	X

Key: One change = changed bloc association only one time; two changes = reverted to original bloc identity after voting with the opposition one or more sessions; three or more = changed identity after three or more times.

¹All Senators not listed here identified with one bloc only.

²A change indicated by cluster-bloc analysis only.

³A change indicated by cumulative scaling only.

issues. Used as a test of association on a broad spectrum of issues, it produced striking parallels to the results of cluster-bloc analysis of percentage of agreement scores and provided strong confirmation of the fundamental hypothesis. The results show that the Senate definitely polarized into two generally repetitive alignments in every session of every Congress in the Federalist era. (See Appendix B for the figures showing the results for each session.)

Party Unity Votes

One of the most meaningful and widely used measures of partisan behavior within a two party assembly is the percentage of votes to be classified as party unity votes. By definition, these are the recorded votes in which a majority of one party opposes the majority of the opposition party. Votes in which one or both parties divide evenly are excluded along with the roll calls in which the majorities of both parties agree against a minority from either or both parties.

By identifying the party unity votes, it is possible to determine the percentage of roll calls that actually polarized the Senate. It is also usable as an expedient in identifying the issues that evoked partisan behavior. In this particular study the procedure provides another check on the validity of the contention that partisanship was present in the earliest Congresses, for, if the partisan groups identified by cluster bloc analysis did indeed exist, party unity voting can reasonably be expected to have occurred on a majority of the roll calls. Conversely, if only a minority of roll calls were polarized, it would indicate that parties either did not exist or were of limited importance. Using the party identification developed from the percentage

of agreement analysis (see Table I), the party unity votes were identified for each session of Congress. The statistical results of this procedure are summarized in Table VI.

TABLE VI
FREQUENCY OF PARTY UNITY VOTING

Congress	Session	Percentage of Total Number of Votes			
		Including Unanimous Roll Calls	Excluding Unanimous Roll Calls	Including Unanimous Roll Calls	Excluding Unanimous Roll Calls
I				66	68
	1	67	67		
	2	67	67		
	3	60	69		
II				70	73
	1	66	69		
	2	88	88		
III				74	79
	1	76	80		
	2	58	65		
	3	86	100		
IV				82	84
	1	83	85		
	2	87	87		
V	1	90	94		
	2	77	80		
	3	74	90		
VI				76	81
	1	82	83		
	2	65	77		
Percent of Combined Roll Calls				75	79

Examination of the percentages of roll calls qualifying as party unity votes, when the behavior of those identified as Federalists are Republicans are contrasted, produces strong evidence of consistent partisan behavior. Computed by Congresses, and counting all votes recorded in the Annals, the percentage of party unity votes ranges from 66 percent in the First Congress to 84 percent in the Fourth, the average for the six Congresses being 76 percent. If the roll calls with p+ (the percentage of support given to the majority position on a roll call) values of 90 percent or higher are excluded as unanimous votes, then the party unity scores for the First and Fourth Congresses become 68 percent and 85 percent respectively, and the average for the six Congresses becomes 79 percent.

A comparison of the percentage of party unity voting in the modern Senate with that of the Federalist Senate is most revealing and is summarized in Table VII. Within the 12 years, 1964 through 1975, the percentage of party unity votes ranges from a low of 32 percent in 1968 to a high of 50 percent in 1966 with an average of 40 percent for the 12 years. The Federalist Senate's low of 66 percent in the First Congress exceeds the modern Senate's 1966 high by 16 percentage points. The lowest level of party unity voting in the Federalist Senate exceeds the low point in the modern Senate by 34 percent! While there are differences in the two situations, this comparison does seem to indicate the plausibility of concluding that the voting behavior of the Senate, even in the First Congress, corresponds to that expected in situations where legislative parties are known to exist.

TABLE VII
FREQUENCY OF PARTY UNITY VOTING IN THE MODERN SENATE

Year	Percentage of the Total
1964	36
1965	42
1966	50
1967	35
1968	32
1969	36
1970	35
1971	42
1972	36
1973	40
1974	44
1975	48
Average	41

Source: Years 1964 through 1970 taken from Frank J. Sorauf, Party Politics in America (Boston, 1968), pp. 350-351; 1971 through 1975 taken from "Party Unity Voting Rose Sharply in 1975," Congressional Quarterly (January 24, 1976), pp. 179-180.

Eighty Percent Majorities

A still more rigorous standard of party conflict calculates the frequency with which a majority of 80 percent or more of the members of one party oppose 80 percent or more of the opposition party on roll-call

votes. In general, this measure of partisan conflict is much too rigorous to be a practical means of describing the behavior of modern American legislatures. Even in the urban, two-party states of the northeast this standard of conflict is seldom reached, and the Congress is even less cohesive.¹ However, in the Federalist era, the Senate reached this level of conflict as often as the modern Senate reaches the less demanding standard of conflict between simple majorities, as is demonstrated by a comparison of Tables VII and VIII.

Calculated against the total number of roll calls in the Annals of Congress, including the unanimous votes, senatorial parties of the First Congress reached or exceeded this level of conflict 22 percent of the time. The Second Congress reached the 24 percent level, and the Third, Fourth, and Fifth Congresses ranged from 43 percent down to 41 percent. The parties in the Sixth Congress reached this level of polarization on 58 percent of all roll calls. In fact, the Senate of the Federalist decade reached the 80 percent level of opposition on an average of 38.3 percent per Congress. Totaling the votes for all 12 years, the standard was reached on exactly 40.8 percent of the total roll calls recorded. If the roll calls with values exceeding $p + .90$ are excluded, the percentage rises to 43 percent. When it is recalled that the modern Senate reached the much lower level of conflicting majorities only 41 percent of the time during the 12 year period, the case for concluding that legislative parties were operative throughout the Federalist era seems even stronger.

TABLE VIII
FREQUENCY OF OPPOSING PARTY MAJORITIES OF
80 PERCENT OR ABOVE

Congress	Session	Percentage of Total Number of Votes			
		By Session		By Congress	
		Including Unanimous Roll Calls	Excluding Unanimous Roll Calls	Including Unanimous Roll Calls	Excluding Unanimous Roll Calls
I				22	23
	1	44	44		
	2	19	19		
	3	20	23		
II				24	25
	1	26	28		
	2	13	13		
III				43	46
	1	43	45		
	2	16	18		
	3	79	92		
IV				41	42
	1	49	50		
	2	20	20		
V				41	42
	1	47	50		
	2	43	44		
	3	30	37		
VI				58	62
	1	63	64		
	2	49	58		
Average				38	41

Indexes of Polarized Cohesion

A more sophisticated, yet rather direct, method of measuring the level of polarized conflict is the index utilized by Rudolph M. Bell

in his study of the voting patterns in the House of Representatives during the Federalist era.² The index value is computed by determining the percentage of support for a measure that is reflected in the vote of each party and subtracting the lesser from the greater. The index value is the remainder derived. For example, in the first roll call vote recorded for the Senate in the Annals, 90 percent of the Northern bloc supported the measure compared to 44 percent of the Southern bloc. Subtracting 44 percent from 90 percent gives an index value of 46. If the Southern bloc had unanimously opposed the measure the index value would then have been 90. But if 90 percent of the Southern bloc had supported the measure, the Index of Polarized Conflict (IPC) would have been zero. Thus, it can be seen that values range from 0 to 1.00. If two parties polarize on a vote with approximately two-thirds of one party opposing two-thirds of the opposition party, the IPC may be expected to be approximately 33.3. Table IX may be used to readily assess the significance of a given IPC value. For those more accustomed to the widely used Index of Likeness, the value for this index can be derived by subtracting the IPC value from 100.

By using Bell's index, a close comparison of the Senate with the House of Representatives can be made by comparing the IPC values of the Senate with those derived for the House by Bell in the study referred to above. While each House did not always devote the same proportion of roll calls to a given issue as the other, the number of total roll calls quantified in both studies are somewhat comparable. The House generated more votes than the Senate in the First, Second, and Fourth Congresses, but the Senate produced the greater number in the Third, Fifth, and Sixth Congresses. There were 612 roll calls recorded for the

TABLE IX
SELECTED VALUES OF THE INDEX OF POLARIZED COHESION

Vote Divisions by Party		Resulting Index Values
Party A Percent Yea/Nay	Party B Percent Yea/Nay	
55/45	55/45	.0
55/45	45/55	.10
60/40	45/55	.15
60/40	40/60	.20
65/35	35/65	.25
65/35	34/66	.30
67/33	30/70	.33
70/30	25/75	.40
75/25	25/75	.50
80/20	80/20	.55
80/20	20/80	.60
90/10	10/90	.70
90/10	5/95	.80
95/5	5/95	.90
100/0	0/100	.95
100/0		1.0

House and 554 for the Senate, a difference of only 58 votes for the 12 year period. By making this comparison, it will be demonstrated that the Senate, judged by standards Bell used for the House, reached a permanently bipolarized condition during the First Congress. The House did not reach this stage of partisanship until the Third Congress.

As a criterion for selecting and classifying votes as indicative of partisanship in the House, Bell determined that the vote division must reflect the equivalent of two-thirds of one party opposing two-thirds of the other party.³ This means an IPC value of .33 or .34. Bell discovered that the majority of the votes in the House during the first two Congresses fell below this standard, reflecting that factional alignments were unstable and changed from issue to issue.⁴ However, in the Third Congress the IPC values exceeded .33 on 72 percent of the roll calls (see Table X). The situation in the Senate was strikingly different.

By examining the IPC levels in the Senate (Tables XI and XII), it can be seen that the Senate generated similar levels in the first and third sessions of the First Congress when this level of polarization was exceeded 67 percent of the time in the former and 73 percent of the time in the latter. The second session of this Congress is the most complex session of the Federalist era. Considering all recorded roll calls, the IPC values exceed the standard of significance set by Bell 50 percent of the time. However, this lower than average index is partially the result of the persistent efforts of a small minority from both parties led by Robert Morris to secure higher interest rates and other conditions favorable to investors in the public debt when assumption and funding was under consideration. Morris and his few allies

TABLE X
LEVELS OF POLARIZED COHESION IN THE HOUSE OF
REPRESENTATIVES, 1789-1801

Ranges of Indexes of Polarized Cohesion	Percentage of Roll Calls in Each Range					
	Congress					
	1st	2nd	3rd	4th	5th	6th
0-34	69	56	28	29	9	10
35-64	28	43	43	34	23	13
65-100	3	1	29	37	68	77
Mean Index	28	31	48	53	72	72

Source: Rudolph M. Bell, Party and Faction in American Politics: The House of Representatives, 1789-1801 (Westport, 1974), p. 184.

TABLE XI
LEVELS OF POLARIZED COHESION IN THE SENATE,
1789-1801

Range of Indexes of Polarized Cohesion	Percentage of Roll Calls in Each Range					
	Congress					
	1st	2nd	3rd	4th	5th	6th
0-32	44 (31)	26	20	20	19	12
33-64	24 (30)	33	26	27	24	19
65-100	32 (39)	41	52	54	57	68

Note: This tabulation excludes roll calls reaching 90 percent unanimity. () = percentages derived when non-partisan roll calls on secondary issues relating to funding the national debt are eliminated from the calculations. It is believed that this reflects more accurately the partisan nature of the Senate in the second session of the First Congress. The uniqueness of these votes is discussed in Chapter IV.

TABLE XII

LEVELS OF POLARIZED COHESION IN THE SENATE,
1789-1801, COMPUTED BY SESSIONS

Range of Indexes of Polarized Cohesion	Percentage of Roll Calls in Each Range														
	Congress and Session														
	First			Second		Third			Fourth		Fifth			Sixth	
	1st	2nd	3rd	1st	2nd	1st	2nd	3rd	1st	2nd	1st	2nd	3rd	1st	2nd
0-32	33	50(36)	27	29	12	18	37	14	22	13	11	18	26	8	22
33-64	22	24(31)	27	32	38	31	32	0	22	40	21	26	17	18	22
65-100	44	26(33)	47	40	50	51	32	86	56	47	68	56	27	74	57
Percentage of roll calls reaching .33 or above	67	50(64)	73	71	88	82	63	86	78	87	89	82	74	92	78
Percentage reaching .33 for the entire Congress	56(67)			74		79			80		82			88	
Percentage reaching .33 with unanimous votes excluded	58(69)			77		85			82		87			93	
Mean Index	.46(.53)			.53		.61			.61		.61			.69	
Mean excluding unanimous	.47(.54)			.55		.65			.62		.65			.74	

Note: () = indicates the resulting percentages when a number of nonpartisan votes on secondary issues relating to funding of the national debt are excluded from the calculations.

were resisted just as determinedly by the majority of the Federalists as the Republicans. Hence, this sizable quantity of nonpartisan votes is unique. Both the majority of friends of assumption as well as its foes were opposed to these particular proposals, but the Senate was anything but nonpartisan on the question of assumption. There are sound reasons for discounting this group of roll calls in measuring the general degree of partisanship that characterized the Senate as they moved through consideration of the various issues of the session. (This matter is explored in greater depth in Chapter IV.) If these roll calls are eliminated from the calculations (with other less significant issues that generated agreeing majorities being included), the number of votes rating an IPC of .33 or greater for the Senate in the First Congress rises from 50 percent to 61 percent. This latter score more accurately reflects the degree of polarization during the Congress and is corroborated by an examination of the average IPC values.

When the two higher categories of IPC values for the House and Senate are examined in Tables XI and XII, it is seen that the Senate had a considerably larger percentage of votes falling into the highest levels of polarization during the first four Congresses. A comparison of the mean IPC values for both Houses can be made from Tables XI and XII. A conflict level of 85 percent versus 80 percent results in an IPC of .65, and in the Senate, votes reached or exceeded this level 32 percent of the time in the First Congress. The House conflict reached this level in only three percent of the votes in the First Congress and only 29 percent of the time in the Third. The frequent high level conflict in the Senate is reflected in high average IPC values. Table XIII reveals that the average IPC in the Senate during the First Congress

was .46 (this index value is produced by a conflict level equivalent to 73 percent majorities in both parties).

TABLE XIII

MEAN INDEXES OF POLARIZED COHESION FOR THE SENATE,
BY SESSION AND CONGRESS (EXCLUDING p + .90)

Congress	Session	Mean Index for Session	Mean Index for Congress	Mean Including Unanimous
First	First	.55	.47 (.54)	.46 (53)
	Second	.42 (51)		
	Third	.65		
Second	First	.54	.55	.53
	Second	.61		
Third	First	.64	.65	.61
	Second	.50		
	Third	.91		
Fourth	First	.64	.62	.61
	Second	.57		
Fifth	First	.73	.65	.61
	Second	.63		
	Third	.67		
Sixth	First	.75	.74	.69
	Second	.71		

Note: () = indexes derived when a number of nonpartisan votes on secondary issues relating to funding the national debt are excluded from the tabulation. Use of Table IX may be useful in analyzing the significance of the above indexes.

The average index of conflict created by the Senate in the First Congress was not matched by the House until the Third Congress. By that time, the conflict in the Senate produced an average index of .61, meaning the average vote involved party decisions equivalent to conflicting majorities of 80 percent. The House did not reach this level of struggle until the Fifth Congress when conflicts over foreign affairs and the alien and sedition laws produced slightly higher average levels of consistent polarization in the House than in the Senate. If the level of conflict between Federalists and Republicans in the House during the Third Congress warrants the conclusion that House behavior was then transformed from factionalism into party behavior, the conflict level in the Senate indicates the Senate made this transition during the unfolding of the First Congress.

Leaving aside comparisons with the House, an analysis of the levels of polarized cohesion for the Senate alone validates the conclusion that the Senate behavior was indeed partisan through all the Federalist decade. Historians generally agree that parties were flourishing in both the House and Senate during the Fifth and Sixth Congresses. Tables XII and XIII reveal that the Senate was almost as polarized in the Third as it was in the Fifth and only slightly less so than in the Sixth Congress. Furthermore, the average IPC value in the Fifth is only 8 to 11 (depending upon the use of unanimous votes) points higher than in the First Congress if the nonpartisan secondary issues, discussed above and in Chapter V, are excluded from the calculations. In other words, the average IPC value of .53 or .54 in the First Congress signifies an average conflict level of about 77 percent versus 77 percent. The same general level is observed for the Second Congress while the average

index for the Third, Fourth, and Fifth indicates conflict between opposing majorities of 80 percent. Even if the group of roll calls on the nonpartisan secondary issues relating to methods of funding the national debt are included along with the unanimous and near unanimous that are assigned an index of zero, the average IPC value is found to be .46. This indicates an average polarization equal to opposing majorities of 73 percent. This represents a much higher level of conflict than observed in the modern Senate and indicates a high level of partisanship in even the First Congress in harmony with the other analytic methods reviewed above.

Indexes of Relative Party Cohesion

The index of party cohesion reveals how unified the party was on any given roll call, and by grouping roll calls an average for a session, a Congress, or an issue can be determined. The indexes of cohesion utilized in this study are relative rather than absolute cohesion. This means they are computed on the basis of votes cast without relating absences to the outcome. While some of the absences undoubtedly were tactically motivated, a study of the Annals and correspondence of the Senators led to the conclusion that the greater number of absences were probably for reasons unrelated to tactics. Some members were delayed in arriving at the capital. Others were not appointed until after the Congress had convened. Some near their homes or centers of business, and others not so near, were on occasions absent for business reasons. Others were absent due to illness. A number had perfect voting records while others were present for only a portion of the session, and yet when present, those in less attendance were often as partisan, even

more so in cases, as those who were there for the whole session. On balance, it seemed that a more reliable description of party cohesion would be obtained by computing relative, rather than absolute, indexes.

The relative index is computed by determining the percentage of the party membership that constituted the party majority on a roll call. For example, if 80 percent of the Federalists voted "yea" and 20 percent voted "nay" on a roll call, the Federalist index of relative cohesion would be 80 percent. If the Republicans split equally on the same vote, their index would be 50 percent. Cohesion indexes, therefore, range from 50 to 100 percent. A party's index of cohesion for a session, a Congress, or a group of votes on a given issue is calculated by averaging the indexes derived from each roll call under consideration.

The indexes of cohesion obtained for both parties during the Federalist era give a clear picture of partisan solidarity and furnish strong confirmation of the findings produced by the analytic methods reviewed above. Table XIV gives the indexes of relative cohesion for both parties. Since on some roll calls the majority of both parties agreed, the best indicator of partisan solidarity is probably the index derived from party unity votes; i.e., where the majorities of both parties are in conflict. The indexes for these roll calls show that both parties were, in general, equally cohesive. It is also clear that even though their cohesiveness in the First Congress was less than in the later Congresses, they were voting with remarkable solidarity for American political parties even in the First Congress.

Two comparisons strengthen the impression of party cohesion in the Federalist era. Table XIV reveals a Federalist cohesion level of 79 percent in the First Congress and an overall average of 80 percent when

TABLE XIV
MEAN INDEXES OF RELATIVE PARTY COHESION ON PARTY
UNITY VOTES, 1789-1801

Congress	Session	Mean Index of Total Roll Calls ¹		Mean Index of All Roll Calls of Opposing Majorities		Mean on All Roll Calls with IPC Reaching .33 or Above	
		Fed.	Rep.	Fed.	Rep.	Fed.	Rep.
First		76%	78%	79% ²	83% ²	83%	87%
	First	82	78	89	86		
	Second	74	75	78	80		
	Third	81	87	79	92		
Second		77	84	82	90	80	89
	First	76	84	81	91		
	Second	82	84	84	86		
Third		86	82	88	86	89	85
	First	85	80	87	85		
	Second	82	77	86	78		
	Third	94	97	94	97		
Fourth		83	82	86	82	87	85
	First	84	83	74	90		
	Second	82	79	83	77		
Fifth		84	85	89	86	88	87
	First	86	87	87	89		
	Second	84	84	90	86		
	Third	84	87	84	88		
Sixth		86	90	91	92	88	91
	First	88	90	92	91		
	Second	83	91	87	93		
Mean		82	84	86	87	86	87

¹These calculations exclude the roll calls reaching 90 percent unanimity.

²Compare these with the modern Senate, Table XV.

the votes of the six Congresses are combined, while the Republicans averaged 83 percent solidarity in the First Congress and an overall unity score of 87 percent for the combined 12 years. This compares favorably with the situation in the modern Senate. The year 1975 was a record year for cohesiveness in the modern Senate (Table XV) and in that year the Democratic party earned an index of 76 percent and the Republican party rated 71 percent on party unity votes. Added to this consideration of slightly higher cohesion indexes for the parties of the First Congress is the cogent fact that the early parties were opposing one another on a much higher percentage of the total number of roll calls than were the modern parties. The Federalists and Republicans were in conflict two-thirds of the time. In 1975, the parties were in opposition less than one-half (48 percent) of the time (Table VI).

TABLE XV

MEAN INDEXES OF RELATIVE PARTY COHESION ON PARTY UNITY
VOTES IN MODERN SENATE, 1974-1975

Year	Democratic	Republican
1974	72%	68%
1975	76	71

Source: These indexes were derived from information in "Party Unity Voting Rose Sharply in 1975," Congressional Quarterly (January 24, 1976), p. 180.

Party Loyalty Indexes

Concluding that the existence of two Senatorial parties were established, party loyalty indexes were computed for each Senator who cast more than one vote during the first six Senates. Only party unity roll calls were examined. Again, the relative index (absences were not calculated) was chosen because the majority of absences seem not to have been tactically motivated. The index shows the percentage of a Senator's total votes cast in harmony with the majority of his party as they were opposed by a majority of the opposing party. This index gives the single most accurate quantitative measure of partisanship for individual legislators in a bipolar body. Therefore, the loyalty scores of each Senator in every session and for each combined Congress are set forth in Tables XVI through XXI. These indexes were used in constructing the histograms in which the degree and composition of polarization in each session is visually demonstrated. The histograms showing the distribution of indexes by individual sessions are in Appendix B. The distribution of indexes computed by Congresses are in Appendix C.

Examining Table XVI reveals that a sizable majority of the Senators who served in the First Senate were indexed consistently as either Republicans or Federalists. Only 11 members were indexed with one party in two sessions and with the other party in the other session. These facts alone indicate a surprising amount of partisan behavior at this stage of history. Upon examination of the issues involved during the First Congress, it appears that one issue which came before the Senate in the second session caused most of the deviance. The question of where to locate the capital created a large number of party unity

TABLE XVI

INDEXES OF RELATIVE PARTY LOYALTY, FIRST CONGRESS,
BASED ON PARTY UNITY ROLL CALLS¹

Senator	State	Federalist Indexes				Republican Indexes			
		Session			Cong.	Session			Cong.
		1st	2nd	3rd		1st	2nd	3rd	
Dalton	MA	83	80	100	83				
Strong	MA	100	73	89	76				
Foster	RI		66	89	71				
Stanton	RI		55	78	62				
Ellsworth	CT	100 ²	69	100	78				
Johnson	CT	67	97	100	92				
King	NY	100	95	89	94				
Schuyler	NY	100	95	63	91				
Dickinson	NJ			78	78				
Patterson	NJ	67	87		84				
Johnston	NC		59		51				
Butler	SC		70		51	100		100	
Izard	SC		80		62	67		100	
Few	GA	50	61		51			100	
Langdon	NH			56		100	58		57
Wingate	NH	68		89			80		63
MacLay	PA			88		80	84		73
Morris	PA	100		56			65		55
Elmer	NJ	100		89			67		54
Bassett	DE	83		100			93		72
Read	DE	86		56			82		67
Carroll	MD					68	74	100	77
Henry	MD					68	93	86	89
Grayson	VA					100			100
Lee	VA					100	88	100	94
Monroe	VA							100	100
Walker	VA						87		87
Hawkins	NC						78	100	82
Gunn	GA					70	76	86	79
Mean				75					76

¹There were 55 party unity roll calls during the First Congress. Nine occurred in the first session, 40 in the second and nine in the third.

²This Senator voted only twice in this session.

TABLE XVII
INDEXES OF RELATIVE PARTY LOYALTY, SECOND CONGRESS,
BASED ON PARTY UNITY ROLL CALLS¹

Senator	State	Federalist Indexes			Republican Indexes		
		Session		Cong.	Session		Cong.
		1st	2nd		1st	2nd	
Bradley	VT	93	67	83			
Robinson	VT	92	71	87			
Langdon	NH	96	86	94			
Wingate	NH	88	71	84			
Cabot	MA	100	86	97			
Strong	MA	87	86	87			
Foster	RI	84	100	88			
Stanton	RI	64	100	72			
Ellsworth	CT	96	100	97			
Sherman	CT	68	100	75			
King	NY	70	86	73			
Rutherford	NJ	83	83	83			
Bassett	DE	73	86	77			
Read	DE	68	87	72			
Burr	NY	57				83	72
Morris	PA		71		79		68
Dickinson	NJ		86		71		58
Carroll	MD				77		77
Henry	MD		71		96		81
Potts	MD					100	100
Lee	VA				88		88
Monroe	VA				96	86	94
Taylor	VA					100	100
Brown	KY					71	71
Edwards	KY					100	100
Hawkins	NC				92	71	88
Johnston	NC		71		96		81
Butler	SC				96	86	91
Izard	SC		71		80		69
Few	GA				88	100	90
Gunn	GA				92	83	90
Mean				84			83

¹There were 32 party unit roll calls during the Second Congress. Twenty-five occurred in the first session, and seven in the second session.

TABLE XVIII
INDEXES OF RELATIVE PARTY LOYALTY, THIRD CONGRESS,
BASED ON PARTY UNITY ROLL CALLS¹

Senator	State	Federalist Indexes				Republican Indexes			
		Session			Cong.	Session			Cong.
		1st	2nd	3rd		1st	2nd	3rd	
Paine	VT			83	83				
Livermore	NH	81		92	75		70		
Cabot	MA	97	100	100	98				
Strong	MA	96	90	100	96				
Bradford	RI	95	91	100	95				
Foster	RI	82	73	100	84				
Ellsworth	CT	92	91	100	94				
Mitchell	CT	100	89		96				
Trumbull	CT			100	100				
King	NY	85	100	100	100				
Ross	PA		67	100	56	81			
Morris	PA	97	67		93				
Bingham	PA			100	100				
Frelinghuysen	NJ	87	86	100	89				
Rutherford	NJ	91	90	91	91				
Vinning	DE	87	67	89	85				
Latimer	DE		100	100	91				
Henry	MD	67		100	71		50		
Potts	MD	71		100	74		50		
Marshall	KY			58	58				
Read	SC			83	83				
Izard	SC	94	78		91				

TABLE XVIII (Continued)

Senator	State	Federalist Indexes				Republican Indexes			
		Session			Cong.	Session			Cong.
		1st	2nd	3rd		1st	2nd	3rd	
Bradley	VT					88	73		83
Robinson	VT					93	90	100	94
Langdon	NH					73	70	100	75
Burr	NY					100	100	100	100
Gallatin	PA					88			88
Monroe	VA					97			97
Taylor	VA					100			100
Mason	VA							100	100
Tazewell	VA						100	100	100
Brown	KY					89	88	92	90
Edwards	NC		67			100			84
Martin	NC					91	80	92	89
Hawkins	NC		70			70			62
Bloodworth	NC							92	92
Butler	SC					85		92	87
Gunn	GA			92		68	100		54
Jackson	GA					81	100	100	88
Mean					89				87

¹There were 62 party unity roll calls during the Third Congress; 39 occurred in the first session, 11 in the second session, and 12 in the third.

TABLE XIX

INDEXES OF RELATIVE PARTY LOYALTY, FOURTH CONGRESS,
BASED ON PARTY UNITY ROLL CALLS¹

Senator	State	Federalist Indexes			Republican Indexes		
		Session		Cong.	Session		Cong.
		1st	2nd		1st	2nd	
Paine	VT	100	70	83			
Tichenor	VT	86	70	70			
Livermore	NH	85		74		54	
Cabot	MA	100		100			
Strong	MA	93		93			
Goodhue	MA		68	68			
Sedgwick	MA		100	100			
Bradford	RI	97	70	89			
Foster	RI	90	69	84			
Ellsworth	CT	67		67			
Hillhouse	CT		100	100			
Tracy	CT		78	78			
Trumbull	CT	97		97			
King	NY	95		95			
Laurance	NY		92	92			
Bingham	PA	84	92	87			
Ross	PA	81	92	84			
Frelinghuysen	NJ	62		62			
Rutherford	NJ	81	90	83			
Stockton	NJ		92	92			
Latimer	DE	94	92	93			
Vining	DE	100	75	80			
Howard	MD		64	64			
Potts	MD	58		58			

TABLE XIX (Continued)

Senator	State	Federalist Indexes			Republican Indexes		
		Session		Cong.	Session		Cong.
		1st	2nd		1st	2nd	
Read	SC	88	92	91			
Gunn	GA	74		66		71	
Robinson	VT				90		90
Langdon	NH				80	92	88
Burr	NY				87	50	80
Henry	MD				69	58	66
Mason	VA				100	75	87
Tazewell	VA				91	92	91
Brown	KY				97	77	91
Marshall	KY		62		58		51
Blount	TE					80	80
Cocke	TE					92	92
Bloodworth	NC				94	92	94
Martin	NC				82	85	83
Butler	SC				89		89
Hunter	SC					100	100
Tattnall	GA				83	73	80
Mean				84			84

¹ There were 47 party unit roll calls during the Fourth Congress; 34 occurred in the first session and 13 in the second session.

TABLE XX
INDEXES OF RELATIVE PARTY LOYALTY, FIFTH CONGRESS,
BASED ON PARTY UNITY ROLL CALLS¹

Senator	State	Federalist Indexes				Republican Indexes			
		Session			Cong.	Session			Cong.
		1st	2nd	3rd		1st	2nd	3rd	
Paine	VT	87	89	94	89				
Tichenor	VT	93			93				
Chipman	VT		96	88	94				
Livermore	NH		72	81	70	53			
Goodhue	MA	100	96	94	93				
Sedgwick	MA	100	92	100	94				
Bradford	RI	71			71				
Foster	RI	53	85	80	85				
Greene	RI		91	82	90				
Hillhouse	CT	82	92	93	92				
Tracy	CT	100	93	94	94				
Hobart	NY		87		87				
Laurance	NY	100	86		85			57	
North	NY		79		79				
Bingham	PA	94	81	77	96				
Ross	PA	93	90	59	74				
Rutherford	NJ	100	78		88				
Stockton	NJ	100	97	100	98				
Davenport	NJ			100	100				
Latimer	DE	94	93	83	92				
Vining	DE	100			100				
Clayton	DE		89		89				
Henry	MD	54			54				
Howard	MD	82	77	76	77				

TABLE XX (Continued)

Senator	State	Federalist Indexes				Republican Indexes			
		Session			Cong.	Session			Cong.
		1st	2nd	3rd		1st	2nd	3rd	
Lloyd	MD		97	86	95				
Read	SC	94	86	53	83				
Langdon	NH					100	91	100	94
Mason	VA					100	100	100	100
Tazewell	VA					100	96		96
Brown	KY					94	86	100	83
Marshall	KY	62					74	56	65
Blount	TE					100			100
Cocke	TE					100			100
Anderson	TE						95	100	83
Jackson	TE						97		97
Bloodworth	NC					94	9	100	94
Martin	NC					94	64	94	71
Hunter	SC		51			75			57
Pickney	SC							100	100
Gunn ²	GA	50	50					56	53
Tatnall	GA					94	73	92	80
Mean					87				85

¹There were 135 party unity roll calls during the Fifth Congress; 17 occurred in the first session, 101 in the second session, and 17 in the third.

²This Senator only voted four times in the first session and only 12 times in the second session.

TABLE XXI

INDEXES OF RELATIVE PARTY LOYALTY, SIXTH CONGRESS,
 BASED ON PARTY UNITY ROLL CALLS¹

Senator	State	Federalist Indexes			Republican Indexes		
		Session		Cong.	Session		Cong.
		1st	2nd		1st	2nd	
Chipman	VT	93	91	93			
Paine	VT	95	86	92			
Livermore	NH	88	59	80			
Dexter	MA	95		95			
Goodhue	MA	83		83			
D. Foster	MA		61	61			
J. Mason	MA		96	96			
T. Foster	RI	86		68		82	
Greene	RI	93	58	85			
Hillhouse	CT	82	56	76			
Tracy	CT	97	96	97			
Laurance	NY	90		90			
Morris	NY	83	92	90			
Watson	NY	93		93			
Bingham	PA	88	100	89			
Ross	PA	88	95	90			
Dayton	NJ	100	96	99			
Schureman	NJ	94	95	93			
Latimer	DE	94	95	94			
Wells	DE	98	96	97			
Howard	MD	94	96	95			
Lloyd	MD	91		91			
Hindman	MD		100	100			
Read	SC	95	96	95			
Gunn	GA	77	75	76			

TABLE XXI (Continued)

Senator	State	Federalist Indexes			Republican Indexes		
		Session		Cong.	Session		Cong.
		1st	2nd		1st	2nd	
Langdon	NH				95	91	94
Armstrong	NY					75	75
S. T. Mason	VA				98	92	96
Nicholas	VA				98	92	96
Brown	KY				94	91	94
Marshall	KY				60	52	57
Cocke	TE				97	96	97
Anderson	TE				75	91	80
Bloodworth	NC				93	92	93
Franklin	NC				89	92	89
Pickney	SC				93	100	96
Baldwin	GA				97	96	96
Mean				89			89

¹There were 86 party unity roll calls during the Sixth Congress; 62 occurred in the first session and 24 in the second session.

votes. The highly involved maneuvering on the matter, especially after it became intertwined with the question of assuming state debts, was responsible for nine Senators casting votes with those who were their opponents on most other issues, causing them to receive a misleading loyalty index--that is, an index that they themselves probably would not have accepted as accurately portraying their voting behavior through the Congress. Wingate of New Hampshire, Morris of Pennsylvania, Bassett and Read of Delaware, and Elmer of New Jersey were in general strong Federalists, but on the residence issue, they supported strategic and tactical maneuvers associated with the bargain between Morris and the delegations from Maryland and Virginia to place the capital on the Potomac after removing from New York to Philadelphia for an interim. Of this number only Bassett and Wingate opposed the assumption of state debts.

Four Republican types, Johnston of North Carolina, Butler and Izard of South Carolina, and Few of Georgia were indexed as Federalists, primarily because they agreed with the majority of the Federalists in supporting New York for the temporary residency. For example, Johnston and Few voted with the majority of Southern Republicans on locating the permanent capital on the Potomac, against funding and assumption, and against establishing the bank in the third session. Izard and Butler, because of the burdensome debts of South Carolina, voted for the assumption of state debts. It is obvious that, at the time, a Senator's stand on Hamilton's fiscal measures of assumption and the bank were not necessarily the final determinant of party identity as it was later assumed by many. Maclay of Pennsylvania was a bitter antagonist of the Federalists and fought fiercely against the assumption of state debts,

yet he voted in support of the bank in the third session. However, his Journal makes it clear that this was done reluctantly and probably with hopes that it would bolster his sagging chances for reelection to another term. It is absolutely certain that he did not intend to signal a union with the party supporting the administration. It is harder to speak confidently of John Langdon's party identity during the First Congress. During the first session, he was absent for all but two of the roll calls recorded in the Annals, and these he cast with the Republicans. In the second session, he voted with the Potomac bloc on the residence, but supported assumption. His votes on the capital assured his statistical identity as a Republican even though he received a low ranking Republican index for the second session. For the combined Congress, he earned a Federalist index for the third session by supporting the bank on every roll call. During the Second Congress he voted as a strong Federalist. Analysis of the content of the roll calls indicates that his personal inclinations may have impelled him toward many Republican principles, while his extensive shipping and financial interests nudged him into the Federalist orbit as Hamilton's fiscal system took shape. As American politics became embroiled with the debate over the best response to the Anglo-French war, Langdon's voluminous trade with the French West Indies caused him to move into the French oriented Republican party. From the Third Congress onward, he voted as a solid Republican. His movement from one party to another is easily traced on Table XXII which lists all the Senators who in one session or another were indexed with both parties.

It can also be seen from Table XXII that Robert Morris of Pennsylvania and Dickinson of New Jersey voted with the Republicans

TABLE XXII

SENATORS WHO CHANGED PARTIES, BASED ON PARTY UNITY ROLL CALLS

Senator	State	Congress and Session														
		1:1	1:2	1:3	2:1	2:2	3:1	3:2	3:3	4:1	4:2	5:1	5:2	5:3	6:1	6:2
Bradley	VT	-	-	-	F	F	R	R								
Robinson	VT	-	-	-	F	F	R	R	R	R						
Langdon	NH	R	R	f-	F	F	R	R	R	R	R	R	R	R	R	R
Wingate	NH	F	<u>R</u>	F	F	F										
Livermore	NH						F	<u>R</u>	F	F	<u>r</u>	nc	<u>F</u>	F	F	F
T. Foster	RI	-	F	F	F	F	F	F	F	F	F	f-	F	F	F	<u>R</u>
Burr	NY				f	R	R	R	R	R	r-					
Laurance	NY										F	F	F	r-	F	
Maclay	PA	R	R	F												
Morris	PA	F	<u>R</u>	F	<u>R</u>	F	F	F								
Ross	PA						R	f	F	F	F	F	F	f	F	F
Elmer	NJ	F	<u>R</u>	F												
Dickinson	NJ			F	<u>R</u>	F										
Bassett	DE	F	<u>R</u>	F	F	F										
Read	DE	F	<u>R</u>	f-	F	F										
Henry	MD	R	R	R	R	F	F	F	F	R	r-	f-				
Potts	MD					<u>R</u>	F	f	F	F						
Edwards	KY					R	R	f								

TABLE XXII (Continued)

Senator	State	Congress and Session														
		1:1	1:2	1:3	2:1	2:2	3:1	3:2	3:3	4:1	4:2	5:1	5:2	5:3	6:1	6:2
Marshall	KY								f	r-	f	F	R	r-	r	r
Hawkins	NC	-	R	R	R	R	R	<u>F</u>								
Johnston	NC	-	<u>F</u>	R	R	<u>F</u>										
Butler	SC	R	<u>F</u>	R	R	R	R	O	R	R						
Izard	SC	R	<u>F</u>	R	R	F	F	F								
Hunter	SC										R	R	<u>f-</u>			
Gunn	GA	R	r-	R	R	R	r	R	F	F	R	nc	nc	r	F	F
Few	GA	nc	<u>F</u>	R	R	R										

Key: F or R designates 68 to 100 percent support of Federalist or Republican party; f or r designates party support of 58 to 67 percent; f- or r- indicates marginal party support; _ indicates atypical identity in the session due to such factors as overriding state interests or unique combination of roll calls (such as in 1:2) but does not necessarily indicate that an intentional realignment was intended.

a majority of the time in the first session of the Second Congress. In this session the matter of reapportioning the House of Representatives occupied the major attention of the Senate. In the long struggle Morris consistently voted with the Southern Republicans in supporting apportionment plans that enhanced the power of Pennsylvania in the House. Dickinson of New Jersey apparently followed Morris on most of the roll calls, for, in siding with Morris and the Southerners, he was not promoting the interests of New Jersey. Both were voting consistently with the Federalists in the following sessions. Therefore, it is obvious that the apportionment issue did not cause a partisan realignment, although the extended bitter fight may have helped to harden party loyalty for many.

Comparatively few Senators definitely shifted from one party to another. In addition to Langdon, who was mentioned above, Bradley and Robinson of Vermont voted as Federalists in the Second Congress, but in the Third Congress moved into the main body of Republicans. Izard and Henry moved solidly onto the Federalist side in the second session of the Third Congress. Also, in that session Johnston of North Carolina voted with the Republicans.

These shifts in the last session of the Second and the early sessions of the Third Congress seem to reflect changing individual reactions to the growing discord over the proper American response to the Anglo-French struggle and the pressures the two antagonists were putting upon the nation for support. In his work on the Continental Congress, Henderson demonstrated the post-war tendencies of the South toward militarism as opposed to the Eastern opposition to a national military. As the Anglo-French struggle threatened to involve America, the Eastern

based Federalists became advocates of military preparedness capable of resisting attacks from either foreign disputant. On the other hand, the militarism of most Southern Republicans gave way before a reluctance to allow the Federalist-dominated national government to build a strong military machine. This inversion of attitude did not affect all at the same time, nor was it universal.

The issue of national preparedness seemed to intertwine with the Federalist desire for a more centralized and stronger policing of the Western frontier. Bradley and Robinson of Vermont were unwilling to endorse these new expressions of centralism and militarism and began to vote with the Republicans. Conversely, Republicans such as Henry and Potts of Maryland, Johnston of North Carolina, and Izard of South Carolina were unwilling to oppose the principle of military preparedness and found themselves voting consistently with the Federalists. Izard, who had supported the assumption but opposed the bank, was a holder of a sizable portion of the public debt, and was closely allied with his son-in-law, William Laughton Smith, who had become one of Hamilton's leading lieutenants in the House. As the electorate in South Carolina and the nation polarized, Izard definitely shifted to the Federalist party. The personal decision to support the national defense measures seem to have also moved Hawkins of North Carolina and Edwards of Kentucky into the Federalist column during the second session of the Second Congress, each Senator's last session in the Senate.

Humphrey Marshall succeeded Edwards in the third term of the Third Congress, the special session called in order to consider ratifying the Jay Treaty. He supported ratification of the treaty, but in the next session he was indexed as a strong Republican. At the start of the

session, a memorial from some in the Kentucky legislature asking that Marshall be tried for perjury by the Senate was received. The governor of Kentucky wrote asking that the memorial be ignored. Republicans opposed the Federalist majority in an effort to spare Marshall. Marshall voted with the Republicans the remainder of the session but reverted to the Federalists the following session. In the second session of the Fifth Congress he again reverted to the Republican side. On his overall voting record he supported the Republicans slightly more than the Federalists.

James Gunn moved from a regular Republican association in the third session of the Third Congress when he supported the Jay Treaty (the votes of Gunn and Marshall were essential to ratification). According to the loyalty indexes, Gunn's party identity changed four times during the remainder of the Federalist era. In his case his attendance was so sporadic that the precision of these identifications may be questioned. He only cast 102 votes out of 268 party unity roll calls during the next three Congresses. Of these he voted 72 to 40 as a Federalist. There is no doubt that he considered himself a Federalist following the ratification of the Jay Treaty, for he wrote to Rufus King in August of 1795 encouraging him to resign from the Senate and accept the position of Secretary of State if the President offered it to him saying, "Colonel Hamilton will take your place in the Senate and all will be well."⁶

Ross of the extreme Western frontier of Pennsylvania was selected to succeed Albert Gallatin after the Federalists denied him his seat in the Senate in the early part of the Third Congress. He voted as a Republican throughout the first session and then became a strong Federalist.

The Federalist index for Aaron Burr in his first session in the Senate is partly attributable to the fact that the Federalist-sponsored effort on reapportioning the House assigned New York slightly more power in the House than did the measures sponsored by the Republicans. There may also have been an element of tactical maneuvering on Burr's part. Known as a strong member of the old Anti-Federalist Clintonian party in New York, he was nevertheless selected to replace the Federalist Phillip Schuyler (the father-in-law of Alexander Hamilton), although he was seeking reappointment. Since the legislature at the time was dominated by Federalists, it is likely that they had in mind wooing Burr over to the Federalists. While Burr sided with the Federalists on a majority of the votes, he did manage to vote with the Republicans on some highly contested issues, but his votes on the Republican side were never crucial to the outcome. He thus retained his options and remained in an excellent position to bargain his influence in national politics as the Vice-Presidential election of 1792 approached.

The other contemporary changes in party indexes in such cases as those of Livermore of New Hampshire and Laurence of New York did not signal an intended change in political associations. However, the shift of Theodore Foster of Rhode Island in the last sessions of the Sixth Congress may reflect the rapid development of the Republican party in the state following the controversy over the Alien and Sedition laws.

Thus the indexes of party loyalty furnish a rather distinct picture of the strength of partisan loyalties within the Senate of the Federalist era. Of the 95 Senators who served during the Federalist years, at least 72 percent voted with the same party in every session of their incumbency. Not more than 11 Senators (12 percent) seem to have purposefully

changed parties. Considering the general disdain in which partisanship was almost universally held, the experimental stage of the government, and the intensity of the issues, the fledging parties demonstrated remarkable stability.

The sectional orientation of the two parties that was evidenced by cluster bloc analysis and cumulative scaling was definitely confirmed by the more precise party loyalty scores. Table XXIII shows the sectional makeup of the parties for each session. On an average, 90 percent of the Federalist types came from New England and the middle states, whereas only 10 percent were from the South. On the other hand, Southerners made up 71 percent of the Republican membership while 16 percent came from the middle states and only 13 percent came from New England.

Summary

The quantitative evidence is clear. The Senate voted in patterns of associations that characterize modern legislative bodies where political parties are known to exist. Measures of interparty conflict revealed that the level of partisan conflict exceeded the levels of conflict within the modern Senate. There are differences between the two situations, but the level of persistent polarization in the early Senate is indicative of organized partisanship. The same is true of measures of intra-party behavior. These findings suggest that perhaps too much attention has been paid to the disclaimers of partisanship by early party leaders. The following chapters demonstrate that there was much in the political behavior of the leaders of the period to

TABLE XXIII

SECTIONAL REPRESENTATION WITHIN THE PARTIES, BASED ON LOYALTY
INDEXES DERIVED FROM PARTY UNITY VOTING

Congress and Session ¹	Federalist						Republican					
	New Eng. ²		Middle ³		Southern ⁴		New Eng. ²		Middle ³		Southern ⁴	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
1:1	5	42	7	58	0	0	1	11	3	33	5	56
1:2	6	46	3	23	4	31	2	15	7	54	4	31
1:3	8	50	8	50	0	0	0	0	2	20	8	80
2:1	10	67	5	33	0	0	0	0	4	33	8	67
2:2	10	53	7	37	2	11	0	0	2	20	8	80
3:1	7	47	7	47	1	7	3	21	2	14	9	64
3:2	6	38	9	56	1	6	4	40	1	10	5	50
3:3	8	40	9	45	3	15	2	20	1	10	7	70
4:1	8	44	8	44	2	11	2	17	2	17	8	67
4:2	8	44	8	44	2	11	2	15	2	15	9	69
5:1	8	42	9	47	2	11	2	18	0	0	9	82
5:2	9	41	10	45	3	14	1	10	0	0	9	90
5:3	9	47	9	47	1	5	1	10	1	10	9	90
6:1	9	43	10	48	2	10	1	9	0	0	10	91
6:2	9	45	9	45	2	10	1	8	1	8	10	83
Mean		46		45		10		13		16		71

¹In Session 1:1 one Southern Senator was not classified. In Session 3:2 one Southern Senator was not classified. In Session 4:2 one middle state Senator was not classified. In Session 5:1 one Southern Senator was not classified. In Session 5:2 one Southern Senator was not classified.

²New England states are Vermont, New Hampshire, Connecticut, Rhode Island, and Massachusetts.

³Middle states are New York, Pennsylvania, New Jersey, Delaware and Maryland.

⁴Southern states are Kentucky, Tennessee, Virginia, North Carolina, South Carolina and Georgia.

substantiate and explain the quantitative evidence of party set forth in this study.

FOOTNOTES

¹Frank J. Sarouf, Party Politics in America (Boston, 1968), pp. 350-351.

²Rudolph M. Bell, Party and Faction in American Politics: The House of Representatives, 1789-1801 (Westport, 1974).

³Ibid., pp. 12-13.

⁴Ibid., pp. 183-185.

⁵Mames Gunn to Rufus King, August 22, 1775, in Robert Ernst, Rufus King, an American Federalist (Chapel Hill, 1968), p. 211.

CHAPTER III

THE EMERGENCE OF SENATORIAL PARTIES

The Peaceful Beginning

Proponents of the Constitution expected the Senate to be above partisan behavior. The House of Representatives was expected to produce coalitions of local factions, but the Senate would be nationally oriented and removed from the partisan behavior that was firmly denounced by all political thinkers of the time. Every state but Virginia chose as Senators men who had worked for adoption of the Constitution in the late ratification struggle. And, while Virginia's Richard Henry Lee and William Grayson had been strong opponents of adoption, they had come to the Senate dedicated to the task of furthering the interests of Virginia and the nation within the framework of the new Constitution. All were dedicated to making the experiment in republican government succeed, and in this they were successful, but they failed in their effort to abstain from partisanship. The secrecy which they imposed on their proceedings and the brief and cryptic minutes which they published helped to obscure this fact from the public and many later historians.

The Senate convened on March 4, 1789, but was unable to conduct business until after April 6, due to lack of a quorum. In keeping with both the elitist nature of the Senate and the precedent of the Continental Congress, the decision was made to conduct all business behind

closed doors. No roll call votes were to be taken unless demanded by one-fifth of those present, as was prescribed by the Constitution, and no reports on the deliberation or progress of bills were to be made to anyone outside the Senate. For nearly three and one-half months, the Senate conducted business without a roll call. In mid-July, passage of the bill creating the judiciary required a roll call. After this vote, a month passed before another roll call was taken. Then, between August 25 and September 29, roll calls were demanded at least eight times. In the next session, they were requested and taken 58 times and on a wide variety of issues. Roll call analysis revealed the consistent polarization of two basic groups even in the votes of the first session as detailed in Chapter II. Thus, the first session started amid wide expectations of harmonious and non-partisan behavior, but it ended with the members of the Senate embroiled in partisan conflict. These facts suggest two basic questions: When did repetitive polarization begin to occur? And what issue, or issues, produced, or revealed the cleavage?

Questions about the origins of legislative parties within the Senate cannot be fully answered by an examination of the official minutes of the Senate published in the Annals of Congress for they are extremely obscure for the first Congresses. The minutes for the First Senate consist largely of brief descriptions of the subject of business and the committees formed to handle various tasks. But they do not record the debates or give clues as to who made the major motions. Therefore, the information in the Annals must be supplemented by information from private correspondence, diaries, newspapers, and other records. Given the general expectancy of a deliberative and non-partisan Senate and the total membership dedicated to the task of launching a successful

national government, it would be logical to argue, on the basis of the Annals only, that the first months of the Congress were basically harmonious. But the contrary is true. The Senate was not able to function in general secrecy and harmony for very long. This is plainly evident from the extensive and highly illuminating notes recorded by William Maclay, the crusty Senator from the interior of Pennsylvania.

The Roots of Division

Senator Maclay's private notes, written from memory, and brief notes at the close of most every day (subsequently published as the Journal of William Maclay) constitute an indispensable source for the study of the First Congress and most especially the first session. Maclay's descriptions of "interests," deals, compromises, acrimonious debates, and the emergence of a "court party" belie what might otherwise be inferred from the composition of the Senate and the small number of roll calls in the session. If Maclay is credited with moderate accuracy in his statements of the debates, events and factional alignments, then it becomes necessary to conclude that, for most Senators at least, their commitment to nationalism was sharply circumscribed by parochial sentiments and state and regional loyalties. Equally important, if not more so, the Senators tended to gravitate around two conflicting ideological poles concerning the nature of governmental authority within a republic.

It is only natural that ideological and sectional conflict would erupt so quickly in the Senate. The Senate was composed of men who had had considerable experience in governmental affairs all through the Revolutionary period. Most had been delegates to the Continental

Congress. Some had been members of the Constitutional Convention. Others such as John Adams, who as Vice-President served as President of the Senate, Ralph Izard, and Richard Henry Lee had also served as diplomatic representatives abroad. All were men who had been selected by their respective state legislatures as knowledgeable men who could be expected to represent the most powerful interests of their respective states. As men long accustomed to thinking in terms of state and sectional interests, conflicts, and loyalties, these Senators were not apt to abandon the concerns of their special interests simply because a new political contract had been intrigued into adoption.

All now realized that a powerful central government had been established, and that if this new government fell into the control of those who were unconcerned with or antagonistic to the interests of their state and region, great harm could befall them. Therefore, men of the Senate, acting as guardians of their states, and especially the dominant interests of those states, began to scrutinize every legislative proposal and governmental action in light of their own and others' special, state, and sectional interests. Knowing that a working majority in the Senate would control the legislative outputs of Congress and Presidential appointments, they quickly looked to every section of the country for allies in a common cause. Out of this situation there developed within the Senate the legislative parties which soon became a working part of the developing national parties.

A major part of the task facing the First Congress was "fleshing out" the Constitution, since the framers of the Constitution had left unresolved many details that had to be decided as the organization of the new government proceeded. The Constitution had created a government

in which the branches shared powers to a degree not fully defined. The Convention had deliberately left some questions unresolved in order not to create unnecessary antagonism against the adoption of the general plan. But the ambiguities, the overlapping of powers, and the structuring of new machinery to exercise the new powers granted to the government required the First Congress to settle a number of matters left unresolved by the Constitutional Convention. This task gave rise to the clash of conflicting views of the purposes of the late Revolution and the nature of republican government. Political ideology became inextricably intertwined with special, state, and regional interests.

As noted in Chapter I, Richard Buel and others have argued the importance of ideology in the Federalist era. Some Americans, the Federalist sort especially, saw the late Revolution as one that had freed the American states from English domination only. For this group the President and Congress were the proper replacements of Crown and Parliament. According to their view, the relationship of the people to government would remain basically unchanged. Government without a republic would still be by the gifted and influential "better sorts." In this government by elites, the executive department needed broader grants of power in order to administer an efficient government. In brief, effective sovereignty resided in the elected government and its agents rather than the people. On the other hand, those who came to be known as Republicans saw the Revolution as one that freed the people from aristocratic dominance as well as the autocratic rule of King and Parliament. The relation of people to government had been changed, and the American government was more truly republican in nature than the British system had ever been. The people, not their elected

representatives in government, were sovereign. The executive should not be powerful enough to enforce laws that the people did not wish the Congress to enact.

These ideological distinctions were highly significant in application. As the young government moved from one decision to another, divergent theories and their practical applications became a matter of concern to an ever-growing number of citizens. It was this clash of perspectives intermixing with state and regional interests that created the tensions and schisms within the Senate that William Maclay began to describe so regularly in his private journal. This intermixing of ideology with local interests helped to produce the partisan cleavages within the Senate that were revealed by the roll call analysis set forth in Chapter II of this study.

The Symbols of Aristocracy

William Maclay came from Harrisburg, Pennsylvania, as a supporter of the new Constitution. He also believed that most Americans shared his firm conviction that the Revolution had been fought to free the people from indigenous, aristocratic dominance as well as the British Parliament and Crown and to secure the right of the people to a genuine republican form of government. After only three weeks of deliberations, Maclay was disillusioned and began to keep a private journal in which he recorded his observations and evaluations of the contest between ideologies and interests which he believed to be transpiring not only in the Senate but in the general government as well.

The first entry in his Journal, dated April 24, less than three weeks after the Senate began conducting its business, shows that the

opposing views of government had already produced heated conflicts within the Senate. A running debate over the questions of proper governmental ceremonies and elevated titles for the President, Vice-President and officers of the Congress had been going on for several days. The previous day the committee for selecting a proper title for the President had been appointed.

By April 29, he disavowed the aspirations of Federalists for the new government which he described as being "a most expensive and enormous machine of a Federal Judiciary, pompous titles, strong efforts after religious distinctions, coercive laws for taking oaths, etc."¹ Maclay perceived that conflicting attitudes toward the Constitution were basic to the emerging conflict within the Senate. As for his part he declared, "Never will I consent to straining the Constitution, nor never will I consent to the exercise of a doubtful power."² He specifically noted his own view of representation that precluded the creation of a powerful Senate, saying, "We came here the servants, not the lords, of our constituents."³ The same entity shows that he felt he held a minority view, for he believed that he had "sacrificed every chance of being popular and every grain of influence in the Senate" by his opposition to the Senate" by his opposition to the expansion of governmental powers beyond what he thought were bestowed by the Constitution.⁴ But Maclay was confident that the people in general shared his views and that the "high-handed measures" of his opponents would likely cause a revulsion among the people. The government had not yet been accepted by the people and "instead of being a powerful machine whose authority would support any measure," needed "props on all sides" and the support of the ablest and "most shining characters" in order to succeed.⁵ He was still

hopeful of winning out over his opponents. It is obvious that he began keeping his diary when he sensed that the Senate was dividing into two hostile camps and that he was a member of the opposition group.

According to Maclay, the Senate spent most of its time from the beginning until the middle of May considering questions relating to matters of governmental ceremonies and Presidential titles, and these matters continued to agitate members for some time later. For some, exalted titles for the President and stately ceremonies were necessary to give the new government the degree of dignity necessary to command proper respect. For Maclay and others there was a deep suspicion that the real design was to adorn the President in the trappings of royalty. His entry for April 25 reveals Maclay's chagrin at John Adams' address in which he expressed the idea that the framers of the Constitution had either "the two kings of Sparta or the two Consuls of Rome in mind when designing the offices of President and Vice-President."⁶

The lines seem to have been firmly drawn from at least April 30 when Vice-President Adams attempted to style Washington's inaugural address as "his most gracious speech"--the customary way to refer to an address from the throne by the British Monarch. Maclay and others took strong exception to the phrase and Adams replied that even though he had been one of the first into the late Revolution that "he never would have drawn his sword" if he had foreseen such developments (objecting to the British forms of government).⁷ Maclay retorted that the people had revolted against the British form of government and that the former opponents of the Constitution would point to this phrase, if it remained in the minutes, as being "the first step of the ladder in the descent to royalty."⁸ He confessed in his diary that it was obvious

that the Revolution had been fought for differing motives. Some, obviously including John Adams and his New England colleagues, had fought in order to obtain a "translation of the diadem and scepter from London to Boston, New York or Philadelphia; or, in other words, the creation of a new monarchy in America and to form niches for themselves in the temple of royalty."⁹ Maclay obviously viewed the Revolution as a rejection of aristocracy and privilege as well as British rule.

The debates in the weeks that followed increased Maclay's suspicions about the attitudes of the New England men toward monarchy and royalty. On May 4, it was unofficially announced that the Committee on titles would recommend the title of "Elective Majesty" for the President. Three days later, the Senate debated Adams' suggestion that a special chair be placed in the Senate chamber to be used by the President when addressing the Senate, and Maclay was rankled by Adams' explanation that the chair was called a "throne" in England.¹⁰ Proposals for Presidential titles of "excellency," "highness," and "elective highness" were voted down on May 8. On May 9, the committee on titles--Lee, Ellsworth and Johnson--officially recommended "His Highness the President of the United States of America and Protector of the Same."¹¹ The division on these later proposals can be approximated as shown in Table XXIV.

Some may have taken their stand on titles for strategic rather than ideological reasons. For example, Maclay knew that Lee was an ardent Anti-Federalist and doubted that he really was interested in elevated titles for the President.¹² He thought that Lee was simply trying to win the favor of the New England delegates so that they would follow him in a campaign to assume the leadership of the Senate along

TABLE XXIV

DIVISION OF VOTES ON THE QUESTION OF TITLES

For Titles		Against Titles	
Langdon	New Hampshire	Maclay	Pennsylvania
Wingate	New Hampshire	Morris	Pennsylvania
Ellsworth	Connecticut	Elmer	New Jersey
Johnson	Connecticut	Carroll	Maryland
Dalton	Massachusetts	Henry	Maryland
Strong	Massachusetts	Read	Delaware
Paterson*	New Jersey	Bassett	Delaware
Lee	Virginia	Grayson	Virginia
Izard	South Carolina	Few	Georgia
		Gunn	Georgia
New York men not yet in attendance			

*Probably voted this way, see pages 24, 26, 37.

Source: William Mclay, The Journal of William Maclay, United States Senator from Pennsylvania, 1789-1791, ed. Edgar S. Maclay (New York, 1890).

with Southern delegates. He thought that Izard "followed Lee" and personally wanted only the title of "excellency." It was John Adams and the New England men who followed his lead that Maclay then suspected of nurturing a deep attachment to monarchy. The New England men were also judged to be cooperating with the Southerners for strategic purposes. They were flattering to Lee in hopes of gaining his cooperation in opposing Philadelphia as the location of the capital.¹³ Maclay was probably right in judging the harmony between Lee and Izard and the New England men as a strategic maneuver rather than an expression of a common ideology. The old Lee-Adams junta, which included Izard, reached back through the years to the Revolution.¹⁴ Izard and Lee had worked to give the President the symbols of monarchical power, but when the Senate later considered specific legislative grants of power to the President which had not been enumerated in the Constitution, both Lee and Izard were in the opposition.

This Senate struggle over titles and ceremonies was not "much ado about nothing" to their contemporaries. The matter was of great and enduring interest to the public. John Fenno, in his Gazette of the United States, the paper dedicated to upholding the new government as it functioned as the unofficial voice of the administration, reported at length on the social and political functions of the President. Fenno always referred to the President as "His Excellency" and prompted Congress to adopt a formal title or "style" for all officers of the government. He wished that the President might be further distinguished by "Your Magistracy" or "Your Supremacy" because the term "Excellency" was conferred on foreign emissaries. The title of "President" was not only too simple but it was open to being confused with that of the

Vice-President when he served as President of the Senate.¹⁵ After the first session ended, Fenno announced that he would give regular attention to the actions of the "Supreme Executive."¹⁶

The leading anti-administration New York Journal, edited by Thomas Greenleaf, was quick to criticize the efforts to appropriate the titles of royalty and monarchy to American officials. Greenleaf declared he would condone no "serenities, highnesses, or bashaws."¹⁷ The dispute was echoed by the lesser papers on both sides of the controversy. When the newspaper war broke out between John Fenno's Gazette of the United States and Philip Freneau's new National Gazette, the first onslaught was an attack on the "Aristocrats" who had tried and failed to "establish titles of distinction of law," over the pseudonym of "Farmer." "Farmer" went on to declare that "yet the destructive principles of aristocracy are too prevalent amongst us."¹⁸ Thus it was that the attachment to ceremonies and the penchant for distinctive titles served as symbols of hope to one party and symbols of fear to the other. One party hoped for a strong and respected central government. The other feared that their opponents were anxious to establish an American Monarchy and a supporting aristocracy. Jefferson's inaugural walk through the mud in 1800 and Jackson's rowdy inaugural celebration in 1828 indicate the enduring quality of this issue in the minds of Republicans.

The Senate never resolved the dispute over titles, but eventually the House of Representatives rejected all titles except that of "President" and, thus, settled the issue in a practical way. Before the issues of specific powers of the President reached the floor of either House of Congress, the pragmatic concerns of revenue and trade regulations had to be resolved.

The Revenue Bills

After the House of Representatives passed two revenue bills setting tariff rates on imported items and tonnage rates for ships, the Senate revised both bills extensively, but the Annals shed no light on the course of the debates over these bills. Maclay's notes show clearly that three distinct regionally oriented blocs emerged during the consideration of these measures. On July 11, he summarized his impression of the behavior of these blocs in dealing with the tariff bill:

The Senators from Jersey, Pennsylvania, Delaware, and Maryland (New York Senators had not yet arrived), in every act, seemed desirous of making the impost productive both as to revenue and effective for the encouragement of manufacturers and seemed to consider the whole of the imposts (salt excepted) much too low. Articles of luxury many of them would have raised one half. But the members, both from the North, and still more particularly from the South, were ever in a flame when any articles were brought forward that were in any considerable use among them.¹⁹

Thus, on the first substantive legislative items considered by the Senate, sectionally oriented divisions emerged. The Eastern and Middle states formed a coalition advocating the principle of protective tariffs while the Southern states, south of Maryland, were adamantly opposed to all protective imposts. Maclay said that Lee had "given opposition to every article, especially the protecting duties. He declares openly against the principle of them," and Lee's colleague from Virginia, William Grayson, "declares against all imposts as the most unjust and oppressive mode of taxation."²⁰ Here, on May 28, was one of the first of many Southern cries of complaint against the abuse of federal power to be heard in the Senate. Southern opposition to protective tariffs no doubt resulted from the general absence of manufacturing in the South. The agrarian South which depended heavily on imports tended to

see protective tariffs as a direct benefit to the North at the expense of the South. Southern men, persistently seeking to lower the tariff rates set by the House, often combined with the Senators from New England against those from the middle states to lower items purchased in quantity by both, or either, of the two regions. Just as the South had stood alone in objecting to the principle of protection when debating the tariff bill, Southern men again stood alone in opposing a discrimination between American owned and foreign owned ships on the tonnage bill. They argued, "in the most unceasing manner" but gained no support.²¹ Here again the South saw the discrimination on tonnage as a "tax" on the South for the benefit of the Northern ship owners for the South was heavily dependent upon British bottoms for much of her imports and exports.

According to Maclay, while the Senate was debating the tariff and tonnage bills, the majority of the Senators from all three regions agreed on only one point that was of national dimension. No sectionally oriented divisions formed over the issue of discrimination against nations who did not have commercial treaties with the United States. Madison and others had succeeded in securing the discrimination (directed mainly against Britain) in the House bill. Southern Senators opposed the discrimination because of their ideological objection to this use of governmental power and because they imported so heavily from Britain that the discrimination would place an objectionable economic burden on the South. Northern Senators, on the other hand, seemed to stress the need to refrain from antagonizing Great Britain, for they did not want to risk a major disruption of their commercial relations with her. Writing of the debates on this subject on May 26, Maclay, who supported

the discrimination, wrote that he had never been "so hard run" in a debate. It was argued by the opponents that "this discrimination was showing an inimical disposition to Great Britain; it was declaring commercial war with her."²² Only Maclay and Charles Carroll of Maryland voted against striking the discrimination from the tariff bill.²³ Thus, it can be seen from Maclay's account of the Senate's treatment of the two revenue bills that the agreement of the South and North on discrimination was fortuitous rather than fundamental or typical.

The Senate's behavior on these matters furnish insight into the nature of the Senate. This was an instance of the Senate functioning as a deliberative check upon the House, when the Senate in its "wisdom" considered implications of proposed legislation that the House had not properly considered. It also furnished an instance of Senators acting as guardians of state interests (including the leading vested interests of their state) while countering a House bill that grew out of more nationally oriented thinking. The Senate had been designed to protect state interests, but it had also been argued that the Senate would think more "nationally" than would the locally elected Representatives.²⁴

The Senate had been virtually deadlocked over the issue of elevated titles for the President. The debates and maneuvers had revealed a deep ideological division between members. The heated debates on the revenue bills focused attention on the old and fierce state loyalties and the divergent and often conflicting economic interests of the major regions. Fundamental issues had been raised and the conflicting ideologies and interests that produced these debates would continue to intertwine every major issue confronting the nation during the Federalist era.

The Balance of Power

As Congress completed the revenue bills and turned its attention to organizing the federal judiciary and the executive departments, many more political questions not answered by the Constitution had to be resolved. These questions included such matters as the exact nature of the federal judiciary and the scope of its power, the division of responsibility between the President and the Senate in controlling the executive departments, the manner in which the Senate would give its "advice and consent" on Presidential appointments and the ratification of treaties and the role of the House in approving treaties entered after being ratified by the Senate. Answering these questions as they structured the new organs of government brought the opposing attitudes toward the proper limits of authority in republican government into open and sharp conflict. This issue proved to be the catalyst which produced the two opposing parties within the Senate.

On June 22, the Senate began consideration of the bill establishing the federal judiciary which had been authored primarily by Oliver Ellsworth of Connecticut. On the same day, the House of Representatives voted to interpret the Constitution as granting to the President the power of removing the appointive heads of the executive departments which were then being designed by the House.²⁵ Two days later, the House voted passage of the bill creating the Department of Foreign Affairs. This bill and the later ones establishing the Departments of War and Treasury contained specific recognition of the President's power to remove the principle officer of the department even though his appointment had been made only with the consent of the Senate. The obvious intention of the

House was to define a Constitutional principle on which the Constitution had not spoken directly. This exaltation of the President at the expense of the Senate created a major cleavage among Senators when they turned their primary attention from the judiciary bill to those creating the new executive departments.

As the Senate began consideration of the judiciary bill, Maclay and others developed serious reservations about the proposed strong judiciary which proponents of the bill were not able to allay. He wrote on May 7, "I really fear it will be the gun-powder plot of the Constitution."²⁶ However, amendments to the bill and the endorsement of its general provisions by a number of respected political leaders outside the Senate combined to dispell many of their fears and objections. Maclay's fear and objections were at a much lower ebb when, on the evening of July 8, he confided to his diary:

I own (that) the appropriation of so many men of character for abilities has lessened my dislike of it, yet I cannot think of the expense attending it, which I now consider as useless, without a kind of sickly qualm overshadowing me.²⁷

Hence, his objection was now based mainly on the financial waste that the new courts would entail rather than on misgivings about constitutionality. But this would soon change as he came to consider the designs of those in the Senate who began to agree with the House in allowing the President to exercise the power of removal over federal appointees without requiring the consent of the Senate. At the end of the next day, July 9, he wrote that the debates over chancery courts were "light debates" and that "Ellsworth has credit with me."²⁸ The next few days "the lawyers" continued to maneuver on the subject of chancery. As the Senators began to consider the bills for the new

departments, some of the opponents of strengthening the Presidential powers began to see the judiciary bill in a new light. But, as of July 9, Maclay had not yet seen an interrelationship between the judiciary proposals and the departmental bills.

On July 9, Maclay obtained copies of all three bills for creating the new departments which the House had recently passed. He noted three objections in his diary. He saw them as "being calculated on a scale of great expense," but his emphasis was on the two other "grand objections." First was "the lessening of the power of the Senate" by granting the power of removal to the President without consultation with the Senate while allowing the President to appoint an assistant in each department without the advice and consent of the Senate. This latter appointment without the consent of the Senate was of "the first consequence" because coupled with the President's power of removal it would allow the departments to be administered by men who had not been confirmed by the Senate. The second evil connected with these bills was that, by creating these departments with their principal officers, the President was being placed "above business and the power of responsibility, putting into the hands of his officers the duties required of him by the Constitution."²⁹ These Constitutional effects were not merely unintended side results of the bills, for he wrote, "Indeed, these appear to me to have been the moving reasons for bringing forward the bill at all."³⁰

Maclay believed the House was trying to diminish the influence of the Senate with these bills. It had not yet occurred to him that a majority of the Senate would support this reduction of the Senate's power in favor of an enhanced Presidency.³¹ Therefore, the matter did not yet affect his thinking regarding the judiciary bill.

On July 14, the Senate took up the bill creating an executive department to be known as the Department of Foreign Affairs. Maclay with a touch of sophistry opened the debate by opposing the legislation under guise of protecting the powers of the President. The very creation of departments was unwise and in reality a curtailment of the executive powers of the President, for Congress was attempting to direct the most minute particle of the President's conduct by this and the other bills to be considered.

He then quickly described how the President should proceed with the conduct of the government without the creation of the great departments. The President would, when feeling the need for an officer to assist in the execution, submit his nomination to the Senate. If the Senate approved, the matter would then be submitted to the House for their approval, and the House would show their approval by providing the salary for the officer. Obviously, this would have put the President continually at the mercy of both houses of Congress and would not have been a protection of his Constitutional powers.³²

His views were quickly rejected. The discussion then moved to the second section which stipulated the President's power to remove the principle officer from the department with the clear implication that the Senate had no right to advise and consent on the matter of removal. The issue was explosive and evocative of strong partisan feelings that would soon interrelate with considerations of the judiciary systems and other issues. Maclay was again on the attack. He argued that it was a "direct stroke at the power of the Senate."³³ He objected to the appointment of a subordinate officer without the consent of the Senate when such an officer might, on removal of the principle officer of the

department by the President, come to run the department on a permanent basis. But his main argument was that custom, reason, and the Constitution gave to the Senate, not the President, the sole power of removing by the impeachment process those whose confirmation by the Senate had been required. Officers once appointed could only be removed by the Senate through the impeachment process.³⁴

Ellsworth spoke first for those who wished to grant the unrestricted power of removal to the President. He closed with a transparent appeal to Washington's great popularity. "It is sacrilege to touch a hair of his head, and we may as well lay the President's head on the block and strike it off with one blow."³⁵ The debate persisted through to adjournment, and, when the Senate convened the following day, debate resumed on the same topic. Senator Carroll of Maryland expressed his belief that the President had too little power and that his powers should be increased. He also condemned the "atrocious assumption of power in the States" and made many favorable references to the British king. He asserted in a second round of debates that the British Parliament, not the Crown, had been the source of American grievances in the past. He warned that the new government would ultimately fall due to a lack of power in the Presidency.³⁶

When adjournment delayed the debate until the morrow, Maclay made the following entry in his diary the night of July 15:

I have seen more caballing and meeting of members in knots this day than I ever observed before . . . there seemed a general hunt and bustle among the Members. I see plainly public speaking on this subject is now useless.³⁷

And, "It seems as if a court party was forming; indeed, I believe it was formed long ago."³⁸ Maclay's words imply that he was aware that a

potentially powerful legislative party was forming within the Senate for the purpose of advancing the programs and wishes of the President. This administration party was called a court party because they were hoping to influence the President and benefit from their cooperative association with the groups in much the same way as the traditional court parties of Europe. "I believe it was formed long ago," was intended to remind him that the nucleus of the party had shown itself from the earliest days of the new government, for, as noted above, on April 30, he had charged Adams and others with having fought the Revolution in order to transplant "the diadem and scepter from London to Boston, New York, or Philadelphia." Their ambition was to create "a new monarchy in America and to form niches for themselves in the temple of Royalty."³⁹ As Maclay saw it, this "monarchial" faction was successfully putting together a party in the effort to clothe the judiciary and executive with a degree of authority incompatible with true republican principles.

If Maclay detected a changed and charged atmosphere on Wednesday, the session on Thursday, July 16, was even more so. On this day, Maclay entered his first precise record of the division of votes--just one day before the Senate would enter a roll call on the official records for the first time! Maclay arrived at the Hall early in the morning, and, contrary to custom, found many there before him. "It was all huddling away in small parties."⁴⁰ The Vice-President was busily going from one huddle to another. Adams was so bold as to attack Lee beligerently on the issue of yesterday's debate in the presence of Maclay and others. During the debates of the day, Maclay thought Lee dispirited, "languid and much shorter than ever I had heard him on almost any subject."⁴¹ If Maclay's interpretation of Lee's earlier hopes of leading the Senate

by means of a coalition of Southern and New England states was correct, Lee probably saw all hopes for leadership in the Senate evaporate as the men from the two sections seemed to be aligning themselves against each other in a bitter fashion. A number of Senators, including Dalton of Massachusetts and Bassett of Delaware, changed sides. Others, such as Paterson of New Jersey and Read of Delaware, seemingly took sides on the issue for the first time. The vote to strike the clause granting the unrestricted power of removal resulted in the first roll call of the Senate. The division is shown in Table XXV.

TABLE XXV

DIVISION OF THE VOTE TO STRIKE PRESIDENT'S POWER
TO REMOVE HEAD OF THE DEPARTMENT OF STATE

To Retain the Clause		To Strike the Clause	
Ellsworth	CT	Langdon	NH
Dalton	MA	Wingate	NH
Strong	MA	Johnson	CT
Elmer	NJ	Maclay	PA
Paterson	NJ	Grayson	VA
Morris	PA	Lee	VA
Bassett	DE	Butler	SC
Read	DE	Izard	SC
Carroll	MD	Few	GA
Henry	MD	Gunn	GA

John Adams, Vice President

Source: William Maclay, The Journal of William Maclay, United States Senator from Pennsylvania, 1789-1791, ed., Edgar S. Maclay (New York, 1890), p. 116.

According to the Annals, the judiciary bill's passage did not demonstrate a clear cut sectional conflict; but it did contain certain sectional characteristics highly similar to many later votes. New England, except for New Hampshire, supported the bill. All the middle states men, except Maclay, also supported the bill. From the Southern states, Few and Gunn of Georgia and possibly Izard of South Carolina voted with the New England and middle states majority. Butler of South Carolina and Lee and Grayson of Virginia joined Langdon, Wingate, and Maclay in voting against the passage. And there is some room to believe that possibly Izard voted in opposition of the bill as will be discussed below. If this were the case, the sectional nature of the vote would be even more marked and more in harmony with the trend of subsequent roll calls.

After the vote on the judiciary bill had been taken, Grayson denounced the recent trends in the Senate in a very heated discourse in which, among other things, he declared:

The matter predicted by Mr. (Patrick) Henry is now coming to pass: consolidation is the object of the government, and the first attempt will be to destroy the Senate as they are the Representatives of the State Legislatures.⁴²

Maclay also confided to his diary that night that the new judiciary system was designed to accomplish three objectives: first, it was to draw all legal matters into the federal courts; second, the federal Constitution was to consume all states' constitutions by degrees; third, the state judiciary systems were to be swallowed by degrees by the new federal system.⁴³ This condemnation on the basis of Constitutional issues contrasts sharply with his mellowed attitude expressed after July 8.

Obviously, the bitter fight over giving the President power to remove appointees confirmed by the Senate had deeply affected Maclay and others. The bold assertions of the need to make the President as strong as the British Monarch had renewed Maclay's suspicions of the monarchical tendencies of the New England men and certain others. Thus, he read the issues of the latest controversy into the implications and probable influences of the new judiciary system.

The process of polarization had advanced significantly, perhaps more than the vote recorded in the Annals indicated. While it is by no means certain, a close reading of Maclay's Journals can generate a question about the accuracy of James Otis, Secretary of the Senate, in recording of votes in the Annals on Friday, July 17. Maclay often complained of Otis' "miserable errors" in record keeping and sometimes thought his omissions and errors were deliberate.⁴⁴

At any rate, Maclay recorded the votes on the highly controversial section of the foreign affairs bill as if it had been a roll call vote and this vote is missing in the Annals altogether. At least one inconsistency definitely exists between Maclay and Otis' record of the vote on the judiciary. Otis' notes in the Annals shows Izard, Few and Gunn voting for the judiciary bill. This is possible, but, on the other hand, it may be that Otis erred. Maclay recorded in his diary for Sunday, July 19, just two days after the vote on the judiciary, that he had visited with Izard in his home that afternoon, and "He was most violent on the subject of our late measures. He abhors our Vice-President."⁴⁵

The most natural interpretation of this entry is that Maclay and Izard were in harmony on the late measures. It is easy to conclude that

the phrase "late measures" would include at least the last two major issues--issues dealt with in the last three working days and issues that had generated violent debate and resulted in the second roll call of the Congress. Certainly, it would have included the latter of the two issues--the judiciary vote--on Friday. The reference to Izard abhorring the Vice-President would also reinforce this, for Adams favored a strong judiciary. If Izard did vote with Maclay in opposing final passage of this bill, his posture would be inconsistent with their agreement on subsequent issues involving constitutional questions such as the votes on the President's power of removal, reapportionment, and the establishment of a national bank.

On Monday, July 20, Maclay sought and received permission from the Senate to be absent for three weeks due to his health. He returned to New York City late Saturday night, August 15. On Sunday, he visited Izard and received a report on events during his absence. Izard reported that significant developments had occurred. As Maclay understood it, "He gave me a short history of the court party which (as might be expected) is gaining much ground."⁴⁶

Izard recounted a conference with Washington in which the President had stated that he had conferred with members of the House of Representatives on appointments to be made but had not conferred with Senators because they would eventually get their opportunity to give their advice and consent. Maclay saw this as further proof of what he thought he had been witnessing previous to his leave--the President courting the House of Representatives in order to depress the influence of the Senate and exult his "prerogatives on the ruins." Maclay continued, "Mr. Izard was clearly of the opinion that all the late

measures flowed from the President."⁴⁷ Furthermore, Izard thought that Madison was "deep in this business." It is not certain if Maclay was expressing the ideas of Izard or more probably his own appraisal of Izard's report when he said, "The President may, however, be considered as in a great measure passive in the business. The creatures that surround him would place a crown on his head, that they may have the handling of its jewels."⁴⁸

Izard's report contained other disturbing elements. In dining with the President, Izard has also been informed that all Maclay's measures were "reprobated and will be rejected." It is not clear what all Maclay's "measures" might have been. Maclay had set himself as an outspoken opponent of the "court party" in opposing titles (he won this fight), a large judiciary (he lost this one), and the power of removal being given to the President rather than the Senate on the bill for the Department of Foreign Affairs (here he had lost only by the vote of the Vice-President). But during his leave of absence, others in the opposition succeeded in deleting the grant of power in the bill creating the Treasury Department, passing on Presidential nominations by voice vote (he had won on this), and advocated removal of the Congress to the Susquehannah in Pennsylvania (this had not yet been debated by the Senate but all knew that it was being advocated and would soon be brought before the Senate). Maclay made special note of this specifying that the voting on nominees by balloting was to be reversed.⁴⁹ This bore great significance, for, if true, it signaled that Presidential support had increased in the Senate and the President was confident of achieving his goals in the future.

The first of the two opposition victories that were to be overturned under pressure from the administration was that of voting on Presidential nominations by secret ballot. The issue of how the Senate should proceed in giving its "advice and consent" on Presidential appointments first stirred controversy in the Senate on June 17. John Jay was before the Senate to supply information on William Short who had been nominated to succeed Thomas Jefferson at the Court of France, Jefferson desiring to come home. The House of Representatives had already been debating whether the Senate or the President should have final control over removing officers whose appointments had to be confirmed by the Senate as they developed the legislation for creating a Department of Foreign Affairs.

Maclay saw Washington's approval of Jefferson's desire to leave Paris without consultation with the Senate as the first step in assuming the full power of removal before Congress settled the matter.⁵⁰ He wished to maintain the full prerogatives of the Senate, and, when Adams began to give instructions on how the Senate should proceed in approving the nomination of William Short as a replacement for Jefferson in France, Maclay quickly countered Adams' suggestion of a voice vote. He argued that the nomination was in essence an election and should be dealt with by secret ballot only. The debate on the matter went into the second day. Maclay successfully battled to protect the Senators from Presidential pressures. He argued that voting viva voce would subject a Senator to three possible sources of pressure. First, the "wealthy, powerful and bold" might intimidate members unless the Senators were men "independent in spirit as well as in fortune . . ."⁵¹ (He did not think this would always be the case.) Secondly, there was the threat of

Presidential disfavor which he stressed to his colleagues:

I would not say, in European language, that there would be court favor and court resentment, but there would be about the President a kind of sunshine that people in general would be well pleased to enjoy the warmth of. Openly voting against the nominations of the President would be the sure mode of losing this sunshine.⁵²

Third, "the disappointed candidate will retaliate the injury which he feels against the Senator." This danger might even extend to the time when the Senator would leave the Senate and reenter private life.⁵³ On the positive side he argued that voting by a ballot would be an antidote and a bane to "caballing" and buying votes. The vote on Maclay's motion to use secret ballots came on June 18. He had rallied a majority of 11 to 7.⁵⁴

Scarcely a month after winning this legislative victory, Maclay was being told on August 16 that during his three-week absence the President had gained sufficient support for the extension of his power and influence, and not only were his measures to be reversed but Maclay himself was now in disfavor with the President. According to Maclay's version he was told:

We have all been to dine with the great man. It's all disagreeable to him, and will be altered, etc. He gave clear hints of my loss of character at court, and in the direct influence of the President with the members of Congress, etc.⁵⁵

Maclay's own evaluation of the recent developments seem sound:

It was to counteract a growing influence which I observed to gain ground that I moved the consent to appointments by ballot. The having carried this matter was passing the Rubicon in transgression, as it went to pluck up patronage by the roots, and to undo this, it seems, a knot worthy of Presidential interference.⁵⁶

The President successfully cut the knot in the next five days.

On Friday, August 21, the committee that had been appointed to confer with the President reported. The first part of their report dealt with proper ceremony and procedure to be followed when Washington was visiting the Senate chamber. But the second resolution of the report called for the Senate giving its advice and consent in all cases of Presidential nominations by voice vote. Maclay objected that this conflicted with the recent decision of the Senate following a full debate on the subject. Izard (a member of the committee) arose and said it was true the resolution was intended to repeal the former resolutions as it was assumed that there had been a change of opinion on the matter. Robert Morris rose and confirmed that there had been a change of opinion in the Senate and said he hoped his colleague would change his sentiments also "for his own sake."⁵⁷ When the vote was taken, only one unidentified Senator voted with Maclay in opposing the President's clearly conveyed wishes. As Maclay had prophesied only a month earlier, most Senators wanted to enjoy the warmth of the "sunshine" around the President, and it was feared that defying his expressed wishes would be a sure way to lose that favor.

The retreat of the administration's opposition was very temporary, for four days later the President's power of removal was reinstated in the bill creating the Treasury Department only by the vote of Vice-President Adams. Washington most likely had inadvertently revived the opposition by his unwise deportment before the Senate on August 24, the day following the Senate's acquiescence under Presidential pressure on the matter of considering Presidential nominations by voice vote rather than by secret ballot.

Washington appeared in the Senate chamber with General Knox, his acting Secretary of War, for the purpose of gaining the "advice and consent" of the Senate regarding planned negotiations with certain Indian nations. Washington assumed the chair of the presiding officer, and Vice-President Adams took a seat among the Senators. Washington presented the proposals and called for their "advice and consent" obviously expecting more "consent" than "advice." It was William Maclay who broke the long embarrassed silence. Once he had objected to rushing into consent to the Presidential papers without proper knowledge and deliberation, others, including even Robert Morris, supported him. In spite of the obvious and strong anger of Washington, the Senate voted to commit all the papers pertaining to the matter before them to a special committee for consideration before taking up the matter in the full Senate again on Monday, August 24.

Washington angrily tried to persuade them that he and Knox could provide them with all the necessary information essential to voting on the matter that day. Obviously, the minority party was not alone in thinking the President had attempted to go too far. Maclay wrote:

I cannot now be mistaken. The President wishes to tread on the necks of the Senate. Commitment will bring the matter to discussion, at least in the committee, where he is not present. He wishes us to see with the eyes and hear with the ears of his Secretary only. The Secretary to advance the premises, the President to draw the conclusions, and to bear down our deliberations with his personal authority and presence.⁵⁸

Washington returned to the Senate on Monday and sat through a long and tedious Senate consideration of his proposals. The session was marked by clamness and courtesy between the President and the Senate, but on Tuesday, when the Senate reconsidered the dispute between it and

the House concerning the President's power to remove the Secretary of the Treasury without the previous advice and consent of the Senate, it was obvious that the President's influence had been reduced. When the crucial vote was taken, exactly one half of the Senate voted against allowing the President the power of removal. Thus it was that John Adams decided this most momentous question (see Table XXVI).

The Southern opposition to granting the unrestricted removal power to the President was exerted in spite of the fact that James Madison threw his full influence behind writing the Presidential privilege into the original bill and had also led the successful fight to adhere to the original bill rather than accept the Senate's effort to strip the President of the disputed power.

The close margin by which the opposition lost gratified Maclay and no doubt surprised the administration forces. Evidently, under Presidential persuasion, a majority of the Senators had pledged to retreat from the amendment which stripped the power from the President just as they had already given way on the matter of considering Presidential nominations by voice vote. It is to be noted that, when Maclay made his journal entry the following day, he said that "A number of the Senate had recanted again on this bill, and were against the power of the President's removing, and had answered accordingly."⁵⁹ The even division of the Senate was not due to absences on either side. Only two were absent, Grayson of Virginia, foe of expanding Presidential power, and Strong of Massachusetts, who had voted to give the President the power of removal previously. It is evident one half of the Senate was unwilling to give the President the power of removal in what was to be the largest department of the government.

TABLE XXVI
ROLL CALLS GRANTING THE PRESIDENT THE POWER OF REMOVAL

Senator	State	State Department	Treasury Department
Langdon	NH	-	-
Wingate	NH	-	-
Ellsworth	CT	+	+
Johnson	CT	-	-
Dalton	MA	+	-
Strong	MA	+	0
King	NY	0	+
Schuyler	NY	0	+
Maclay	PA	-	-
Morris	PA	+	+
Elmer	NJ	+	+
Paterson	NJ	+	+
Bassett	DE	+	+
Read	DE	+	+
Carroll	MD	+	+
Henry	MD	+	+
Lee	VA	-	-
Grayson	VA	-	0
Butler	SC	-	-
Izard	SC	-	-
Few	GA	-	-
Gunn	GA	-	-
Vice President Adams		+	+

Key: + = vote favoring President's removal power; - = vote against the President's power to remove; 0 = absent on this vote.

The retreat before Presidential pressure was clearly over for many. However, the developing Republican opposition was not as strong as the vote division would indicate (Table XXVI), for Dalton of Massachusetts and Johnson of Connecticut, two strong Federalists, were certainly not in the process of becoming Republicans. Their vote may reflect little more than an effort to block curtailment of Senatorial power. It is equally true that there was a significant number of the Senate who opposed the expansion of the executive branch because they objected to the further consolidation of powers under the federal government.

It is indisputable that there was much conflict prior to the period for which roll calls begin to appear in the Annals. The roll calls that do appear give a picture of distinct polarization. And there is strong evidence in Maclay that a good number of roll calls were stricken from the record. For example, four roll call votes on the issue of discrimination in compensation for members of the House and the Senate were taken on Friday, August 28, in the midst of very acrimonious debates. The following day, Maclay asked Otis to show him the minutes and found the record of the motions and voting satisfactory. But the following Monday, when the minutes were read, the records of the motions and the votes on them had been redone, and Maclay protested the altering of the minutes. Otis promised to present the documents behind the minutes as he had constructed them, but he never did.⁶⁰ The Annals do not record any votes for Friday, August 28. Also, according to Maclay, the task of setting salaries for officials and agents of the Treasury Department created very strong opposition within the Senate, but no record of the vote divisions can be found. Maclay wrote that a number wanted to give "princely incomes to all the Federal officers." Morris

either "moved or seconded the effort to raise the salary set for every officer" by the House of Representatives.⁶¹ Maclay claimed that, on most of the cases, his vote was the decisive one. But on the following day, he was too sick to attend, and the Senate reconsidered a number of the salaries. Being evenly divided without Maclay, the decisions were made in favor of the higher salary, "Bonny Johnney Adams giving the casting vote." The "moderate part of the House" protested "violently" taking such advantage of Maclay's absence and gained a postponement until the following day, but Maclay was not able to attend.⁶² If these and other votes had been preserved in the official records, the number of roll calls to be found in the Annals for the First Congress would be multiplied, and it would be readily apparent from the Annals alone that the Senate was already a bipolar body before it attempted to select a permanent residence for the new government near the close of the session.

Parties in Opposition

Most of the roll calls in the Annals for the first session relate to the residence issue. All expected the capital to be a great economic boon to the region in which it was to be located. But there was an important ideological element involved also. It was widely expected (as will be more fully discussed in the next chapter) that the host region would have greater influence over every branch of government than any other region. To locate the capital in Philadelphia or New York would allow the mercantile and financial interests to exert greater influence upon the government than they otherwise could. Their desire for a powerful central government with a vigorous executive would thus

be served. On the other hand, a location on the Potomac or in the interior of Pennsylvania would remove the government from such baneful influences and give the advantage to the agrarian element that tended to prefer a less centralized and more limited government.

When the volatile matter was before the Senate, it divided repeatedly along already familiar lines. Except for Maclay, all Senators from New England and the middle states, including Delaware, supported the effort to locate the permanent capital in Philadelphia. Maclay joined the Southern Senators in attempting to gain the residence for the Potomac. Congress reached the adjournment date without resolving the matter.

By combining information from the Annals with that of Maclay's Journal, it is possible to reconstruct the vote on 13 questions, and only three failed to produce party unity voting. Of the 10 party unity votes, 86 percent (19 out of 22) of the Senators earned partisan loyalty scores of 70 percent or higher (see Figure 1), and over one-half of them gained loyalty indexes ranging from 90 to 100 percent. These reconstructed votes dealt with six subjects: the principle of protective tariffs, discrimination between tonnage and imposts duties for American and foreign owned ships, the matter of titles, the President's powers of removal (two votes), the judiciary bill, and the location of the capital (five votes). There was one common thread of concern than ran through all of these issues--concern for the proper limits of power. On the matter of tariffs and tonnage, the Southern men wished, among other things, to limit the power of the government to favor one interest over another, in this case, the Northern commercial and shipping interests over the Southern agricultural interests that

Ellswo CT									
Dalton MA									
Strong MA									
King NY									Grayso VA
Schuly NY									Lee VA
Paters NJ					Langdo NH				Butler SC
Morris PA	Elmer NJ	Wingat NH			Carrol MD		Maclay PA		Few GA
Read DE	Basset DE	Johnst CT			Henry MD		Izard SC		Gunn GA
100-90	89-90	79-70	69-60	59-50	50-59	60-69	70-79	80-89	90-100
Percentage of Federalist Support					Percentage of Republican Support				

Figure 1. Histogram Showing Distribution of Party Loyalty Scores, First Session of First Congress, on 10 Party Unity Votes Reconstructed from Maclay's Journal and the Annals of Congress

would bear the extra costs in the long run. The relation of the judicial system and the President's powers of removal to the central theme are obvious. The issues of tariffs and tonnage, and that of the residence had a heavy element of sectional rivalry intermixed with the ideological concerns. Each element intensified the other. For both the Federalist and Republican types, the contest over the dimensions of government seem to focus on executivism--the desire to strengthen the national government by extending the powers of the President and the executive departments under his administration.

Richard Henry Lee wrote to the Governor of Virginia, Patrick Henry, two days before the end of the first session, and the fear of "Consolidation" and executivism formed the theme of his report:

The powers of displacing officers was contested with a zeal and contancy that the nature of it deserved. In the Senate we were divided, so that the V. P. determined the questions as you will see in the Journal. This is one of the ill consequences derived from giving a person the right of voting in the Senate who is not a member of it, and who has so probable a prospect, as he may think, of coming to the possession of that power which he agrees to magnify!⁶³

Lee also predicted that, in the next session, "The next attempt, and which will probably succeed, is to send forth all the processes in the name of the P. [President] instead of the U. S. only."⁶⁴ Patronage was being handled by the President in a partisan manner with the appointments to the executive departments being given "pretty universally among the most zealous Federalists . . ."⁶⁵ Lee also saw the larger salaries for the appointees, which Maclay reported were so bitterly fought over and decided by the vote of John Adams, as being a part of the efforts at consolidation, for "the salaries are vast and the state departments and supports weakened by the drafts in this way made from

them."⁶⁶ Lee had not been impressed favorably by the public role of Washington, for "where Consolidation is the plan, the states' authority must be kept out of view as much as possible, and the head of the empire shewn as much as may be."⁶⁷ Lee was doubtful of the outcome of the political struggle, for "Consolidation must therefore inevitably take place in process of time, without great care and much wisdom on the part of the states."⁶⁸ Therefore, it would be necessary for the "friends of freedom" in both "the state and federal governments" to "invariably" pursue the measures that would prevent the state governments from suffering "invasion" by the federal government. Regarding the action most needed to prevent consolidation, he suggested partisan type efforts on the state level:

Let us take counsel from what we see, and fill our state offices with men of known attachments to radical amendments, and whose firmness and abilities may serve as a counterpoise to any attempts that may be made against statistical rights.⁶⁹

The following day Lee and Grayson wrote to the Speaker of the House of Representatives of Virginia, and their tone was somber as they warned of future probabilities. They thought it impossible "not to see the necessary tendency to consolidated Empire in the natural operation of the Constitution if no further Amended than now proposed." They were fearful the government would alienate the people and would then resort to controlling through "fear resulting from great force and excessive power in Government."⁷⁰ Clearly, these men who had opposed the dominant majority felt that, as the first session of Congress was ending, a long and arduous political struggle was only beginning.

Rufus King of New York, a prominent figure among the advocates of an expansive government with a vigorous executive, obviously shared the

view that members of the Senate had been consciously engaged in a struggle over the proper degree of power to give the new central government and he had spent his energies in establishing the type of government that Lee, Maclay, and others had opposed. During the first weeks of the Second Congress, King wrote to Robert Southgate that his time in the Senate was costing him "painful sacrifice." But King was there for a purpose. He declared, "I had much anxiety to see a Government established which would afford a prospect of Stability and Peace . . ."⁷¹

The voting record of King, as well as his general correspondence and reputation, makes it clear that he felt "Stability" would best be secured through a government led by an energetic executive. Looking back, largely to the first session, he declared that "I have not been without zeal in the progress of this important event."⁷² None in the Senate would have disputed King's estimate of his own role.

Outside the Congress, John Fenno, the editor of the Gazette of the United States, interpreted the conflict over the legislative measures of the first session in much the same way as did the Senators. As noted earlier, he advocated monarchic titles for the President,⁷³ opposed the first amendments to the Constitution as unneeded and dangerous,⁷⁴ praised the high salaries of the Congress as essential and proper,⁷⁵ and charged the state and local governments with "stretches of power and acts of oppression."⁷⁶ Dissatisfaction with the administration was condemned as the greatest curse,⁷⁷ and the "propensity to change" was branded as an insidious evil.⁷⁸ Fenno knew that there was resistance to the Federalists' plans for creating a government enlarged beyond the demands of the Constitution and was doing his best to create the needed popular support.⁷⁹

Because the Senate operated in relative secrecy, the newspaper accounts of the proceedings of Congress usually focused on the debates and proceedings of the House where observers were permitted. Since legislative parties did not occur in the House until some time later, many did not realize the extent to which the Senate had been polarized. Since neither group within the Senate had designated leaders or formal organization, it was possible for Senators to deny partisanship on their own part while at the same time pointing an accusing finger at the consistent alignment of their opposition.

But many knew then what is now obvious--the Senate was divided into two determined groups who were in constant conflict over executivism and the proper limits of power for the national government.

FOOTNOTES

¹William Maclay, The Journal of William Maclay, United States Senator from Pennsylvania, 1789-1791, ed. Edgar S. Maclay (New York, 1890), p. 6.

²Ibid.

³Ibid.

⁴Ibid.

⁵Ibid.

⁶Ibid., p. 2.

⁷Ibid., pp. 10-12.

⁸Ibid.

⁹Ibid.

¹⁰Ibid., p. 21.

¹¹Ibid., pp. 25-26.

¹²Ibid., p. 6.

¹³Ibid., p. 37.

¹⁴H. James Henderson, Party Politics in the Continental Congress (New York, 1974), pp. 11, 54, 164, 188.

¹⁵Gazette of the United States, May 16, 1789 and May 20, 1789.

¹⁶Gazette of the United States, September 16, 1789.

¹⁷New York Journal, June 18, 1789.

¹⁸National Gazette, March 1, 1972.

¹⁹Maclay, p. 73.

²⁰Ibid., p. 55.

²¹Ibid., p. 76.

²²Ibid., p. 51.

²³Ibid., p. 52.

²⁴The Federalist, No. 64.

²⁵Annals of the Congress of the United States: The Debates and Proceedings of the Congress of the United States, Vol. I (Washington, 1834), p. 585.

²⁶Maclay, p. 101.

²⁷Ibid., p. 102.

²⁸Ibid., p. 103.

²⁹Ibid.

³⁰Ibid.

³¹Ibid., p. 104.

³²Ibid., pp. 109-110.

³³Ibid., p. 111.

³⁴Ibid., pp. 111-112.

³⁵Ibid., p. 113.

³⁶Ibid., pp. 113-114.

³⁷Ibid., p. 114.

³⁸Ibid.

³⁹Ibid., pp. 10-12.

⁴⁰Ibid., p. 115.

⁴¹Ibid.

⁴²Ibid., p. 116.

⁴³Ibid.

⁴⁴Ibid., pp. 2, 22, 23, 135, 136, 143, 144, 175.

⁴⁵Ibid., p. 121.

⁴⁶Ibid.

⁴⁷Ibid., p. 122.

⁴⁸Ibid.

⁴⁹Ibid., p. 123.

⁵⁰Ibid., p. 82.

⁵¹Ibid., p. 78.

⁵²Ibid., pp. 78-79.

⁵³Ibid.

⁵⁴Ibid., p. 81.

⁵⁵Ibid., p. 123.

⁵⁶Ibid.

⁵⁷Ibid., pp. 128-131.

⁵⁸Ibid., p. 136.

⁵⁹Ibid., pp. 143-144.

⁶⁰Ibid., pp. 144-145.

⁶¹Ibid.

⁶²Ibid.

⁶³Richard Henry Lee to Patrick Henry, September 27, 1789, quoted in The Letters of Richard Henry Lee, ed. James Curtis Ballagh (New York, 1914), Vol. II, pp. 504-506.

⁶⁴Ibid.

⁶⁵Ibid.

⁶⁶Ibid.

⁶⁷Ibid.

⁶⁸Ibid.

⁶⁹Ibid.

⁷⁰Ibid., Richard Henry Lee and William Grayson to the Speaker of the House of Representatives of Virginia, September 28, 1789, pp. 507-509.

⁷¹Rufus King to Robert Southgate, June 20, 1792, quoted in Robert Ernst, Rufus King, an American Federalist (Chapel Hill, 1968), p. 168.

⁷²Ibid.

⁷³Gazette of the United States, May 16, 1789 and May 20, 1789.

⁷⁴Ibid., July 11, 1789 and August 1, 1789.

⁷⁵Ibid., August 8, 1789.

⁷⁶Ibid., August 26, 1789.

⁷⁷Ibid., September 2, 1789.

⁷⁸Ibid., October 10, 1789.

⁷⁹Douglas Southall Freeman, George Washington, a Biography, Vol. VI (New York, 1954), p. 398. An excellent treatise on editorial opinions of the time, to which this study is indebted, is found in pages 393-413 of this work.

CHAPTER IV

THE SENATE AND PARTIES WITHIN THE GOVERNMENT

Introduction

The partisan alignments that formed the Senate during the first session, although often obscured by maneuvering, continued with general consistency in the following sessions. By the end of the Congress the partisan spirit had spread into the administration and the legislative parties of the Senate had become a working part of what can best be called parties within the government. By the end of the third session James Monroe of Virginia was an informal leader of the Senate Republicans, and Ellsworth, King, and Morris provided the Federalist leadership within the Senate. Hamilton was recognized by most as the leader of the Federalists within the government, while Thomas Jefferson, working more discreetly than Hamilton, was emerging as the leading figure among the Republican element of the government, with James Madison of the House and James Monroe of the Senate as his close associates.

The advancement in partisanship was closely related to the long and bitter struggle over the location of the national capital and the contention over Alexander Hamilton's fiscal system. These issues intermixed as they moved through the Senate and House in the second and third sessions of the First Congress, and neither could be resolved independently of the other. Their settlement was the result of partisan

bargaining and the solutions adopted were to many so distasteful that they remained objects of contention and helped to accelerate the growth and development of national parties.

The Capital, Finance, and Regional Interests

The question of residence gave rise to more roll calls, prompted more letters from Congressmen, and consumed more time in the First Congress than any other issue. It had defied solution in the Continental Congress,¹ the Constitutional Convention,² and had been a point of contention during the struggle over ratification. The resolution of the matter was difficult because the issue stirred visceral ideological conflicts and aroused sectional hopes for political and economic gain, and the long history of conflict tended to intensify the emotional dimensions of the struggle.

Under the new Constitution the struggle became more intense and involved, and as bargains were made and broken, sectional jealousies increased and personal animosities multiplied. By the time the first roll-call votes on the matter were taken in the Senate, Robert Morris had broken a bargain with Virginia which had looked toward an eventual location on the Potomac and had secured passage of a bill through both Houses which placed the capital in or near Philadelphia. The House was influenced by Madison to attach what seemed to be a reasonable amendment, but it was designed to throw the bill back to the Senate where the friends of the Potomac joined the supporters of New York in postponing consideration of the amended bill until the next session at which time they hoped to defeat the bill.

During the Congressional recess, Southerners from various levels and branches of government began to work together in preparation for a renewed struggle in the next session. Senator William Grayson expressed widely held sentiments when he reported to Governor Patrick Henry at the close of the first session that the members "would have parted in tolerable good temper if the disagreeable altercations on the score of the seat of government had not left very strong impressions on the minds of the southern gentlemen" The Southerners feared "with too much reason" that the same kind of bargaining they had faced on the residence matter would "also take effect in other great national matters, which may be very oppressive to a defenseless naked minority."³ Grayson anticipated a renewal of the bargaining over the residence in the next session and went to Philadelphia to gather intelligence regarding the attitudes of the Pennsylvanians before returning to Virginia. He wrote to James Madison that the Potomac was gaining friends and that he was for the first time hopeful of a final victory if Virginians followed the proper strategy. Knowing that the combined Northern vote could locate the capital in the central region he thought the great danger was in "frightening the Yankees into measures which (if left to themselves) they abhor"⁴ Grayson thus recognized the need for caution against driving the two rival Northern factions into a compromise that would deprive the South of the residence, but he did not intend to suggest a course of inaction by the South. Daniel Carroll, Congressman from Maryland, wrote to Madison that he and Grayson believed that the opposition would be at work during the Congressional recess and they intended to counter these efforts by having "some papers published on the question respecting the permanent Seat of Congress."⁵

James Madison was also actively prompting pro-Southern action from diverse political figures. Julian Boyd has contended that Madison played a leading role in ultimate resolution of the matter. He credited Madison with the defeat of the first residence bill, prompting the early Virginia session of land along the Potomac, alerting Washington to the duplicity of Robert Morris and the complicated tactical maneuvering which he expected in the second session, and constantly planning action on the matter during the second session. Madison, therefore, became the "foremost strategist in the organized campaign that ultimately placed the capital on the Potomac."⁶ While the implication that Madison was the primary architect of the winning strategy may be open to modification, the affirmation of a Southern "organized campaign" is amply justified. Supporters of New York and Philadelphia also mounted campaigns in the second session. Even though the matter did not come before either House until the end of May, it was a major concern of many from the very beginning of the session, and as Hamilton's fiscal plans became a subject of contention, the two issues quickly intermixed.

Hamilton's Report on the Public Credit reached the House on January 14, and even though the proposals on funding the national debt found broad public support, the scheme to assume the state debts stirred ardent and persistent controversy. As early as April 4, bargains that involved swapping the capital for assumption began to reach Maclay as Congressmen Clymer of Pennsylvania and Jackson of Georgia tried to interest him in securing the residence for his state by swapping Pennsylvania's votes on assumption for the votes of Massachusetts and South Carolina on the residence. Maclay responded by speaking his "sentiments sincerely on the villainy of bartering votes," and declared that assumption "was so

radically wrong that nothing could justify the act."⁷ Such intransigence soon excluded Maclay from many negotiations and often prevented him from learning all the details of offers and bargains. Even though his accounts often lack vital information, his Journal entries through May, June, and July reveal proffered deals and rumors of bargains of amazing complexity. But Maclay was not alone in his inability to keep abreast of all the bargaining and conniving. Of all the contenders, none were more persistent nor more skillful than the Southern advocates of the Potomac.

The Campaign for a Southern Capital

There was of course a great deal of diversity in the ideas and preferences of the Southern delegates, for no one person or group constituted a recognized leadership. But as the bargaining on the capital went on behind the scenes and became intertwined with the conflict over Hamilton's fiscal program, during the first five months of the second session, the Southern response shows a remarkable degree of unity as legislation on assumption came officially before the Congress in the last half of the session.

The fact of the general Southern campaign for the Potomac residence has been largely obscured by the tangled voting patterns, and the factional rhetoric on and off the floors of Congress, that resulted from the many temporary bargains, double dealings, and stratagems that characterized Congressional behavior during the struggle. Richard Henry Lee who was in the midst of bargaining on the matter often complained to his nephew, Thomas Lee Shippen of Philadelphia, of the tactics used by the friends of New York. In early June he declared that, in

Philadelphia, "Heaven & Hell are now moved to keep us here . . ." ⁸ As the matter was nearing the close, he complained that "to attempt the detail of all the Votes, Manoeuvres, & detours that have perplexed Congress upon the business of Residence, I should tire both you and myself." ⁹ After the bill had passed the Senate he said that "every art that can be devised" had been practiced in the Senate and predicted that the bill would meet with the same "arts of division" in the House. ¹⁰

The maneuvers, detours, and perplexing votes grew out of the fact that neither the advocates of Philadelphia, New York, nor the Potomac could pass a bill without the assistance of one of the rival alliances, and when an alliance learned of a bargain being made by their two foes they immediately set about to undermine the arrangement, either by threats or efforts to outbid one of the rivals. In order to be protected in case a bargain with one competitor was shattered, secret and conflicting bargains were often simultaneously made with the other competitor. This extensive dissimulation by members of the three alliances often made the alignments on some roll calls extremely baffling to many participants as well as the contemporary and later observers. The confusion and mystery were furthered by the partial truths and puzzling allusions in the conversations and correspondence of many. Hence, James Madison wrote to a friend that these schemes and manipulations had become a "labrinth from which the votes printed furnish no clue." ¹¹ Madison knew that many of the roll calls were tactical and diversionary in purpose and were intended to obscure bargains and plans. By correlating roll call analysis with knowledge of their bargains and schemes derived from sources other than the Annals of Congress, it is possible to reconstruct the general strategy pursued by each of the alliances and

deduct the tactical purposes of most of the otherwise puzzling roll calls taken in the Senate.

In light of the Southern victory and the impact of the residence struggle upon the development of the Southern-based Republican party, the strategy and tactics of the Southern alliance is emphasized in this study. However, a general understanding of the strategy developed by the Northern alliance is helpful, for the Southern approach was primarily a response to the methods used by the champions of Philadelphia and New York. By the second session, both of the Northern contenders had decided that an extended "temporary" residence would be preferable to allowing the capital to reside with their rival for a number of years while they waited for a promised "permanent" residence. Failing a bargain with their middle state rival, both New York and Philadelphia sought a bargain with the South whereby they could host the capital temporarily. Many in both the North and South saw this as a stratagem whereby the host city would use the "temporary" period to so interconnect the government with the locality and to so habituate the Congress and the nation to the arrangement that it would become permanently attached to the city, even if repealing a former act of Congress were to be required. Southern leaders pursued an adroit counter-strategy.

The following description is offered as a hypothesis which best explains the voting patterns of the Senate and the behavior of Madison and his allies in the House and elucidates the role of Jefferson as a party leader. Recognizing the need for the help of the Pennsylvanian delegation in passing any Potomac legislation, the Congressmen of Virginia and Maryland, including Madison, followed the lead of Pennsylvania very consistently with only one exception. In the Senate,

the Southerners pursued a stratagem of their own. Maryland and Virginia followed the lead of Robert Morris with only one exception. On the other hand, the Senators from North and South Carolina and Georgia gave consistent support to New York's efforts to secure the temporary residence or break the unity of the Philadelphia-Potomac coalition by other tactical proposals with only a few crucial exceptions. This division of Southern votes left both coalitions just short of the votes needed to win the temporary residence, and had the desired effect of keeping the Northern rivals opposing each other while they both kept negotiations alive with the South. The Southern Senators thus kept themselves free to combine their votes for obtaining the permanent residence for the Potomac, while maintaining an excellent tactical position for negotiating a bargain with either of their rivals.

The residence problem came before the Senate officially on May 24 when Robert Morris introduced a resolution for meeting the next session of Congress in Philadelphia. Opponents of Philadelphia voted a postponement of the resolution for three consecutive days. Lee considered the third vote on May 26 a test of the support for Philadelphia which received the support of the Senators from Virginia, Maryland, Delaware, New Hampshire, and Elmer of New Jersey, in addition to those of Pennsylvania. Opposing were the Senators from Connecticut, New York, Massachusetts, Paterson of New Jersey, and South Carolina, North Carolina and Georgia.¹² Following a vote Butler announced his intention to bring in a bill to fix the permanent residence, and Morris quickly withdrew his resolution. On May 31, the House passed a resolution calling for the next session to meet in Philadelphia, and Butler surprised the Philadelphia alliance by introducing a bill to determine both the

permanent and temporary residence. Robert Morris was conveniently absent even though Butler had given previous warning of his intentions.

The next development was both surprising and revealing to many for both the House resolution for removing to Philadelphia and Butler's bill were assigned to a single committee favorable to the Potomac. The special committee named was made up of four advocates of the Potomac and one advocate of New York as the best location for the permanent residence: Butler of South Carolina, Johnston of North Carolina, Lee of Virginia, and Henry of Maryland, all advocates of the Potomac, and Dalton of Massachusetts, who supported New York. Three of the five were known to support New York over Philadelphia as a temporary residence. Since Senate committees were picked by ballot, the selection of this committee suggests that either a New York-Deep South or an Assumption-Potomac bargain had already been secretly agreed upon. Robert Morris' absence (Maclay thought they could have picked a more favorable committee had Morris been present, for without him they divided evenly) suggests the possibility of the latter, when viewed in light of the committee recommendation.¹³

Even more revealing was Butler's committee report of June 7. The committee recommended to the Senate that the Potomac be named as the permanent capital, but the committee was too divided to arrive at a recommendation on a temporary site. This failure to name a temporary site is another strong indication that Southern strategy was then being followed. The voting records suggest that Lee and Henry would have supported Philadelphia, and that Dalton, Butler and Johnston would have voted for New York. The indecision was therefore surprising. One of the three supposed supporters of New York had evidently withheld their

vote or championed a third location as a means of skirting a choice between Philadelphia and New York. The most probable explanation is that the Southerners were pursuing a devious strategy and issued a report which served their purpose but obscured their goal. The committee action set the stage for another month of intrigue, and placed the South in an excellent bargaining position for gaining both the residence and an altered assumption that would result in a more favorable settlement for the South.

The House resolution for removing to Philadelphia was defeated in the Senate on June 8, at which time further consideration of Butler's bill was postponed without having decided on either a permanent or temporary site. The House quickly passed a resolution for removing to Baltimore and that too was postponed. Meanwhile, the general terms of the final bargain were negotiated by party leaders before the Senate resumed consideration of the Butler bill on June 28.

The role which Jefferson and Madison played previous to the settlement of the matter by the Senate in late June and early July throws significant light on the unfolding of the Southern strategy and the process by which the Senatorial parties were related to the development of parties extending into the various branches of the government. Since Madison and some other Southerners had voted for the removal to both Philadelphia and Baltimore, and the Senators from the lower South had voted consistently with the New York coalition, some historians have concluded that the Southerners were deeply divided.¹⁴ This ignores a number of very cogent facts. On the very day that Butler introduced his surprise bill for combining the temporary and permanent sites into one bill, Madison voted for a similar measure in the House. On that

day, Congressman Budinot of New Jersey introduced a motion to attach the question of a permanent residence in Pennsylvania to the consideration of the temporary residence then being debated by the House. The Pennsylvanians unanimously opposed the move, but Madison, Giles, and Richard Lee of Virginia, along with Stone, Smith and Seney of Maryland, broke with Pennsylvania on the matter and voted for the motion. The motion failed by one vote, but it indicates that Madison probably was pleased by Butler's surprise move in the Senate. Indeed, the occurrence of both moves on the same day suggests that they may have been planned. It will also be recalled that Madison's private efforts had been expended on behalf of the Potomac.

There is also an interesting letter written by Madison to James Monroe on June 17, written within a week of the vote he had given in support of Baltimore. In it he seemed to deny any personal support for Baltimore by saying that "the Senate have hung up on Baltimore, which, as you may suppose, could not have been seriously meant by many who joined it." He also seemed to imply approval for Butler's bill when he said that "it is not improbable that the permanent seat may be coupled with the temporary one."¹⁵

Recognizing Madison's support of the Southern strategy explains a very interesting pattern in his behavior in the House. Neither Madison, Henry Lee, nor Daniel Carroll took any part in the floor debates which preceeded the resolution for moving to Philadelphia or the resolution of June 11 which named Baltimore as the temporary seat, following the defeat of the resolution naming Philadelphia in the Senate. However, after the House began to consider the Senate bill which granted the permanent residence to the Potomac (passed by the Senate on July 1),

Madison took a leading part in the debates on behalf of the Senate bill and helped to fend off all efforts to destroy the bargain. Therefore, it can be seen that the nature of his support for any proposal relating to the capital varied in keeping with the purposes of the Southern alliance.

Compromise and Parties Within the Government

It is most likely that both Madison and Jefferson had either influenced the production of Butler's bill and the subsequent committee report or they were immediately influenced by Butler's deeds. Both were working for a compromise through the month of June and writing letters to prepare the minds of Virginians for the passage of assumption even though the House had rejected assumption and the matter had not yet been voted on in the Senate. As early as April 12, ten days after the House had rejected the assumption bill, Madison seemed to imply that a compromise on assumption could be worked out. He went on to suggest that if some form of assumption were not passed the Union would be endangered. Norman K. Risjord has argued the Pennsylvania-Potomac alliance in the House was involved in compromise efforts with the proponents of assumption after the failure of the assumption bill on April 12. The result was the drafting of the bill for the settlement of accounts with the states which gave more generous terms to the South than originally planned, postponement of further consideration of assumption, and the introduction and quick passage of the resolution for meeting the next session in Philadelphia. Thus, Madison would have been involved in a secret move to wed assumption to the residence at

least by late April and May.¹⁶ The the middle of June, all the tendered bargains involving the residence were coupled with assumption, and on June 17, Madison wrote to James Monroe in Virginia that the "Potomac stands a bad chance, and yet it is not impossible that in the vicissitudes of the business it may turn up in some form or another." He went on to the subject of the assumption and told Monroe, an ardent foe of assumption in any form, that, "I suspect that it will yet be unavoidable to admit the evil in some qualified shape."¹⁷ On June 22 he wrote to Edmund Pendleton that:

The affair of the State debts has been the great source of delay and embarrassment . . . threatens a very unhappy issue to the session, unless some scheme of accommodation should be devised. The business of the seat of Government is become a labyrinth, for which the votes printed furnish no clue, and which it is impossible in a letter to explain to you. We are endeavoring to keep the pretensions of the Potomac in view, and to give all the circumstances that occur a turn favorable to it. If any arrangement should be made that will answer our wishes, it will be the effect of a coincidence of causes as fortuitous as it will be propitious.¹⁸

Jefferson was likewise working for the success of a plan to barter assumption for the capital several days before the Senate resumed consideration of Butler's bill. On June 13, Jefferson wrote five letters in which he spoke of the residence issue in an obvious effort to prepare the recipients for a compromise. In the letter to George Mason, a powerful foe of assumption, he reasoned that the opponents of assumption should be less confident and more willing to compromise in return for compensation of the debts they had already paid. Although Jefferson protested that his duties in government prevented him from mingling in these matters, he went on to declare that in general, "I think it necessary to give as well as take in a government like ours."¹⁹ It was only two days after Jefferson had written these letters that Morris

informed Maclay and the Pennsylvania delegation that Jefferson had proposed a temporary residence of 15 years in Philadelphia and a permanent residence at Georgetown on the Potomac.²⁰ Hence, Jefferson was actively acting as broker of Southern votes by the middle of June or earlier.

On June 20, Jefferson described for Thomas Mann Randolph the outline of a proposed compromise which he favored and used the reference to a 15 years residence that Maclay had noted in his Journal five days previous. (This seems to add credibility to the report which Maclay received through Morris of Jefferson's initiative in the bargaining.) The letter was long and persuasive:

Congress are much embarrassed by the two questions of assumption, and residence. All proceedings seem to be arrested till these can be got over. And for the peace & continuance of the union . . . if every one retains inflexibly his present opinion, there will be no bill passed at all for funding the public debts, & if they separate without funding, there is an end of government. . . . The assumption must be admitted, but in so qualified a form as to divest it of its injustice. . . . On the question of residence, the compromise proposed is to give it to Philadelphia for 15 years, & then permanently to Georgetown by the same act. This is the best arrangement we have now any prospect of, & therefore the one to which all our wishes are at present pointed. If this does not take place, something much worse will; to wit an unqualified assumption & the permanent seat on the Delaware. [Emphasis added.]²¹

Furthermore, Jefferson seemed to be professing a close knowledge of the bargains and behavior of the Congressional delegations.

The delegations of this state and Pennsylvania have conducted themselves with great honor and wisdom on these questions. They have by a steady (yet not a stipulated) concurrence avoided insidious baits which have been held out to divide them and defeat their object.²²

Jefferson also wrote a similar letter to Monroe on the same date.²³

These letters of Jefferson and Maclay's report of Jefferson seeking to arrange bargains on behalf of the South are vital indicators of

Jefferson's connections with legislative affairs and the leadership role that he assumed soon after becoming Secretary of State. It is interesting to note that the correspondence from Jefferson shows a progression from general hopes of a compromise to confident expressions of the terms of the final settlement weeks before any part of the bargain was passed by the Senate or House.

At the time Jefferson wrote to Randolph and Monroe describing with amazing accuracy the outcome of both the residence and the assumption issues, there was nothing in the official proceedings of Congress to even hint that this might be the eventual result. By June 8, the New York-Deep South coalition had rejected both the Morris and the House resolutions for holding the next session in Philadelphia, and the Philadelphia-Potomac coalition had defeated a motion to locate the permanent residence on the Potomac. On June 14, New York and her allies succeeded in postponing for two weeks consideration of the House resolution (passed on June 11) to meet the next session in Baltimore. The residence bill would not be passed by the Senate until July 1, and the assumption did not pass Congress until later in the summer. Yet Jefferson described the details of the ultimate outcome with general accuracy before the voting was hardly started. This is an indication that he believed the Southern element within the Senate, despite its outward appearance of division, was responsive to leadership management. Events proved him to be correct.

The Southern Strategy and Roll Call Evidence

The Southern unity on the residence is largely obscured by the voting patterns which were produced by the Southern strategy. On

three-fourths (18 out of 24) of the roll-call votes dealing directly with the residence, the Senators from Virginia and Maryland voted opposite to those from North Carolina, South Carolina and Georgia. Upon a full examination of the roll calls it was found that all but two fell into one of two categories: those votes which were clearly essential to secure the permanent capital to the Potomac and those dealing with the struggle between New York and Philadelphia over the temporary residence. While some in the last category appear on the surface to have been over the permanent residence, an examination of Maclay's Journal and other evidence leads to the conclusions that their primary design was to shatter the opposing coalition in order to win the temporary residence. On two roll calls the Senators of the Deep South voted against the rest of the body. Table XXVII separates the roll calls into the proper categories and shows how the individual Senators voted on each question.

By referring to Table XXVII, it is relatively easy to see the application of the hypothesized Southern strategy in the Senate. At the beginning of the session, the Southern Senators who were present joined in passing a procedural rule (vote one) designed to kill the bill for removing to Philadelphia which had almost passed in the first session of Congress. This was part of the scheme engineered by Madison and Izard of South Carolina, although Izard voted against the rule (probably to mask the part he had played from Morris). Butler's bill for determining both the temporary and the permanent residence was assigned to a very favorable committee by the New York-Deep South coalition. Virginia and Maryland had voted with Pennsylvania in opposing the bill and the committee to which it was referred in order to

TABLE XXVII

ROLL CALLS ON THE LOCATION OF THE CAPITAL,
SECOND SESSION OF THE FIRST CONGRESS

		Permanent Residence					Roll Calls for Determining the Temporary Residence, or Breaking Unity of the Opposition to Win the Temporary Residence																				
Roll Call	Number	0	1	1	2	2	0	0	0	0	0	0	0	1	1	1	1	1	1	1	1	2	2	2	2		
		8	1	2	2	4	1	2	3	4	6	7	9	0	3	4	5	6	7	8	9	0	3	5	1		
Langdon NH		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	
Wingate NH		+	+	+	-	+	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	
Ellswor CT		+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	
Johnson CT		+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	+	
Dalton MA		+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	
Strong MA		+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	
Foster RI		-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	.	+	
Stanton RI		+	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	.	-	
King NY		+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	
Schuyle NY		+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	
Elmer NJ		-	+	+	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	
Paterso NJ		+	+	+	+	+	-	+	+	-	+	-	0	-	+	+	+	+	-	+	+	+	+	+	+	+	+
Maclay PA		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	
Morris PA		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	
Bassett DE		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	-	-	-	-	-	-	-	+	+	
Read DE		-	-	-	-	-	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	
Carroll MD		-	-	-	-	-	0	-	-	-	-	-	-	-	-	-	+	-	-	-	-	-	-	-	+	+	
Henry MD		-	-	-	-	-	+	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	
Lee VA		-	-	-	-	-	0	-	-	-	-	-	-	-	-	-	+	-	-	-	-	-	-	-	+	+	
Walker VA		-	-	-	-	-	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	
Hawkins NC		-	-	-	-	-	+	+	+	+	+	+	+	+	+	+	0	0	-	-	-	-	-	-	-	-	
Johnsto NC		-	-	-	-	-	0	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	-	
Butler SC		-	-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	-	
Izard SC		-	-	-	-	+	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	-	
Few GA		-	-	-	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	-	
Gunn GA		0	0	0	-	-	0	+	+	+	+	+	0	0	0	0	-	-	-	-	-	-	-	-	-	-	
V-Presi							-													+	+	+	+	+	-	-	
										</																	

Key: + = support for NY; - = against NY; 0 = absent; Y/N = yes/no of NY.

preserve their alliance with Pennsylvania. No doubt the bill met with their secret approval for it gave the South increased bargaining power, and, if enacted, an additional safeguard against the promise to remove to the Potomac being scuttled. Tangible evidence that it met with approval from Virginians can be seen in Madison's support of the effort to couple the permanent residence to that of the temporary in the House on May 31, the very day that Butler introduced his bill into the Senate.²⁴

The first roll calls directly on the residence question came on June 8 (votes 2 to 5). The Southern Senators divided as they had on the earlier non-roll-call votes, with Virginia and Maryland following the lead of Pennsylvania and the Deep South voting with New York. On the first three roll calls taken that day, only one needs further explanation. On vote 3, the New York coalition voted for the residence to be placed permanently on the Potomac, while the Virginians and Marylanders joined Pennsylvania in voting against it. Although technically a vote on the permanent residence, it was designed to test the Pennsylvania-Potomac alliance which had contracted the night before to vote against any place proposed by the New Yorkers.²⁵ Otherwise, Virginia and Maryland certainly would not have opposed the motion.

New York pursued general delaying tactics on the residence question until the arrival of the Senators from the new State of Rhode Island, expecting them to give her a definite majority within the Senate. However, Jefferson, eight days before the voting began on Butler's bill and five days before the arrival of the Rhode Islanders, wrote to Thomas Mann Randolph and confidently described the bargain that was ultimately passed. He even observed that by the bargain there would be "something to displease and something to soothe every part of the Union, but New

York, which must be content with what she has had."²⁶ Jefferson's confidence seems ill-founded if the past voting margins are examined, for the two Senators from Rhode Island were expected to give New York a winning number of votes for without any defections the New York coalition would have commanded 15 out of 26 votes. However, Jefferson seemed unpreturbed by the prospect. When the 13 roll calls were taken on the 28th, it was discovered that two Senators from the Deep South (Hawkins of North Carolina and Gunn of Georgia) had moved to the Philadelphia-Potomac coalition and thus, the two coalitions were in general still equally matched in strength. June 28 was the crucial day for the Potomac and every Southern Senator supported the three votes that assured the permanent residence to the Potomac. The hypothesized strategy called for the Southern vote on tactical maneuvers between New York and Philadelphia to be divided in order to keep the two sides evenly balanced and struggling in hopes of winning victory away from the foe, and yet, at the same time, to assure that the bargain between Virginia and Pennsylvania be enacted. It is precisely this pattern of voting that is found. The Deep South supported the Potomac, and offset the votes of Rhode Island. Vote 14 presents another interesting case of Southern vote changing to meet the demands of the strategy. On this vote, Lee, Carroll, and Bassett voted with New York on a motion to keep the temporary residence in New York until 1800. Maclay thought the vote was proof of a bargain to give the residence to New York rather than Philadelphia and that it had failed only because Massachusetts adamantly refused to make a bargain to give the capital to any Southern location.²⁷ But it should be noted that two more Senators from the Deep South, Butler of South Carolina and Few of Georgia (this was his only vote

against New York) helped to prevent the motion from passing. A shift in either Butler's or Few's votes would have given the temporary capital to New York! Hence, it is obvious that the South was committed to enacting the general compromise agreed upon by the leadership. The vote may have been an attempt to frighten Philadelphia into accepting a 10 year residence rather than the 15 years spoken of in earlier negotiations, in which case it shows genuine Southern unity none the less.

When the motion to give the temporary residence to Philadelphia resulted in an indecisive vote (vote number 19), which the Vice-President decided in the negative, Butler again switched his vote and assured Philadelphia the residence. One other maneuver was attempted, probably on behalf of New York. Senator Carroll tried on June 30 to get the bill passed to a third reading with the name of Philadelphia stricken from the blank designating the temporary residence (this would have reopened the contest). The effort failed and Maclay reported that Butler had helped defeat the effort.²⁸

Of the two remaining roll calls, when the Deep South stood alone, at least one (number 5) was probably a tactical maneuver on behalf of Senator Carroll (as was vote 7) who wished to have Baltimore ruled out.²⁹ In debating against Baltimore in the House on July 6, Madison argued that "it would be risking the bill with a place which has been repeatedly rejected by the Senate" He "religiously believed . . . the bill would never pass the Senate."³⁰

So it can now be seen how the South chose to keep both New York and Philadelphia nearly balanced but switched votes as was needed to assure victory for the Potomac-Philadelphia arrangement that had been worked out in general design before roll-call voting on it began. The

hypothesized strategy explains Southern behavior on 23 out of the 24 roll calls on the residence. The role of the Senate was crucial and in retrospect it can be seen that members of the Southern alliance in the Senate maneuvered with the precision of a Greek phalanx.

It should be emphasized that in this case of involved voting patterns reliance on a straight statistical measure of bloc or sectional voting proves misleading. Obviously, the votes cast by men from Pennsylvania, New Jersey and Delaware did not constitute a permanent shift to the opposition party. Nor were Southern men shifting to the administration party when they cast their votes in harmony with New York and its New England allies. In short, the Senators of North Carolina were not drifting toward a support of commercial interests and Robert Morris was not becoming a supporter of agrarian localism even though a straight quantitative analysis would indicate that this was so.

The Significance of the Residency Struggle

Why had the issue of the capital defied political settlement for so long? A complex mixture of geopolitical and ideological factors operated throughout the entirety of the controversy. All believed that the capital would bring a great influx of wealth to the host region. During the Continental period it was estimated that the presence of Congress had brought \$100,000 in annual trade to the merchants of Philadelphia.³¹ When the enlarged government being constructed under the Constitution, Jefferson came to estimate a Potomac presence would mean "a half a million" a year to Virginia alone.³² Obviously this meant much to the state or states winning the capital, but it does not explain the keen involvement of New England and the lower South in the long

struggle. It was the ideological and political implications that inflamed all regions and most if not all Senators became ardent partisans in the conflict.

James Henderson found that in the earliest period of the struggle, Parochialists and others were alarmed over the prospects of a return to Philadelphia for they remembered when Robert Morris' establishment had by formal and informal connections exerted great influence over the policies adopted by Congress. Many translated ideological fears and parochial jealousies into fears of a developing aristocracy and monarchy if the capital were to be located in a great commercial and financial center.³³ As the issue persisted through the years of the Confederation, agrarians and localists backed the plan to build a virgin city on the banks of a major central river but outside the baneful influence of the mercantile class of the large cities such as New York and Philadelphia.³⁴ The new Constitution intensified the geopolitical and ideological dimensions of the residence conflict because it created a much larger and more powerful government.

Under the new Constitution, Southerners wanted the capital not only for the prosperity it would bring to the upper South, but for the political advantages they thought would accompany it. All seemed to believe that the section nearest the government would furnish the greatest share of government appointees, and would have a greater opportunity to impress their views upon the Congress. Bowling thought the South also saw a Southern location as a means of better protecting the institution of slavery.³⁵ One of the South's best arguments in the debate had been that the Potomac's headwaters could be connected by roads with the waters of the Ohio and thus serve as a vital connecting link with the West which

would facilitate the development of the West. While this hope for the Western development had definite economic advantage incorporated within, it also illustrates how the ideological intertwined with various practical questions. As the South saw itself pitted in a struggle against the commercial North, the development of the West carried special advantages to the South, for the regions of Tennessee, Kentucky, and the Northwest Territory were thought of as political extensions of the South.

Agrarians and parochialists outside the South often favored the Potomac over Philadelphia or New York. Typical of this group was William Maclay, who, after losing his fight to locate the capital on the Susquehanna, preferred the rural setting of the South to that of Philadelphia for the permanent capital. After the passage of the residence bill, he wrote in his Journal of his concern that losing the capital to an agrarian society would probably cause New England to subvert the government, and that a great commercial city would probably arise that would draw much trade away from Philadelphia. Yet he felt that it would not be as commercial as Philadelphia, for "the genius of Virginia and Maryland is rather adverse to exclusive commerce." Then he wrote what he probably dared not say to others:

For my own part, I would rather wish that the residence of Congress should not be subject to commercial influence.

Too much has that influence, conducted by the interest of New England, whose naval connections throw them into that scale, governed--nay tyrannized--in the councils of the Union. My consolation for going to the Potomac is, that it may give a preponderance to the agricultural interest. Dire, indeed, will be the contest, but I hope it will prevail
... 36

In one sense the struggle over the residence was not a partisan struggle, for factions and voting alignments arose which cut across the

partisan lines that were developing. But in another sense, the struggle had a partisan dimension and resulted in a quicker growth and development of both parties. In the final analysis, the contest over locating the capital pitted the Southern proponents of a Potomac residence against two Northern rivals. Most of those in the party seeking to strengthen and extend the federal government, soon to be commonly known as the Federalist party, supported one of the Northern sites, while most members of the opposition party, soon to be commonly referred to as the Republican party supported the Potomac. As observed above, the contention over the location of the capital had a strong ideological dimension, a dimension very closely related to conflict over the nature of government in a republican society. Most of those within the Senate who wished for an extended national government with a vigorous executive wished to place the permanent capital in either New York or Philadelphia. On the other hand, most of those in the Senate who opposed the consolidation of power under a strong central government and feared the Federalists were secretly planning to establish an aristocracy and a monarchy were advocates of the Potomac residence.

Hamilton's Fiscal System

This tendency of the contest over the residency to settle ultimately into a partisan contest was greatly enhanced by the bargains involved in resolving the conflict. At least three of the major elements of Alexander Hamilton's fiscal system received great assistance in adoption as a result of vote trading on two major bills involving the residency. These were the assumption of state debts in the second session and the excise tax and the creation of a national bank which were passed in the

third session. These three measures were not only unpopular with the Southerners and Republicans of the Senate and their constituents, but they came to be highly unpopular with many in the middle and New England states. Therefore, the enactment of Hamilton's fiscal system--which became the engine of the Federalist party, and which Republicans pointed to as the instruments for consolidating governmental powers and creating an aristocracy of wealth--ensured the continuation of the partisan conflict under the guidance of the leadership that began to emerge during the struggle over the residence. Furthermore, contention over the Federalists' fiscal system produced the concrete domestic issues which generated a national constituency for the Republican party.

In January of 1790, Hamilton delivered his Report on Public Credit to Congress. It called for honoring all the debt except for Continental currency at the face value, converting all outstanding interest to principal, assuming the war debt of all the states, and then funding the entire debt. The funding process was to follow the British system of issuing negotiable government bonds which were backed by a guaranteed source of revenue that would pay the interest and reduce the principal concurrently. At the time, the national government had an indebtedness of over \$50 million, nearly a fourth of it owed to European creditors, and was far behind on interest payments at home and abroad. Creditors were pressing for payment of overdue interest.³⁷ Congress and the public generally recognized the need to protect national credit. By April 26, the House of Representatives had agreed to a funding program for the national debt, but a deadlock had occurred over the proposal to assume the state debts. On the same day the House defeated the proposal for assuming the states debts by a vote of 32 to 18.

The issue surrounding Hamilton's proposals stirred class and regional conflicts that resulted in the polarization of the Senate along familiar lines. All the Senators from the states below Maryland, except for those from debt-ridden South Carolina, opposed Hamilton's plan for assuming the state debts and for funding them through the collection of impost duties which Southerners felt would fall to an unfair degree upon the Southern importers. On the other hand, support for the measures came from the states north of Virginia. New Hampshire, Pennsylvania, Maryland, and Delaware divided their votes while all the other middle and New England states, with the exception of almost debt-free Rhode Island, gave avid support to Hamilton's proposals.

It has already been demonstrated that these issues intertwined with that of the residence and deadlocked the Congress until such time as the emerging leaders of the two parties entered into an agreement to support the bargain whereby the South agreed to the assumption in return for receiving the permanent residence after 1800. It was inevitable that the bargain would suggest itself to the men of the Senate especially. All the opponents of the assumption, except Wingate of New Hampshire and Foster and Stanton of Rhode Island, supported the Potomac as the permanent residence. All those who voted for assumption, except Carroll of Maryland and the two Senators from South Carolina, supported either New York or Philadelphia as the permanent seat of government.

In accordance with the provisions of the bargained compromise, three major bills were passed: the residence bill; a bill for settling accounts between the federal government and the states which were allowed a more favorable settlement for the Southern states than had the original proposal; and the bill for the assumption of the states debts

and the funding of the resultant national debt.

The Senate authored the residence bill, sending it to the House on July 1. The Senate had received the settlement bill from the House on June 23, and after some revisions, it was passed by the Senate following the House approval of the residence bill on July 9. The Senate received the funding bill on June 2. Debates in the Senate were extended and resulted in many revisions, and on July 16, it was combined with the Senate bill for the assumption of state debts. The combined funding and assumption bill was passed in the Senate on July 21 by a vote of 14 to 12, and the House accepted assumption on July 26 by a vote of 34 to 28. The differences over amendments were settled on July 29. President Washington signed the bill into law on August 4, 1790.

The contest over the funding and assumption issues generated 11 party unity roll calls. Three were connected with the attaching of the states debts to the funding bill, and two others were related to the final passage of the Senate version of the combined bill. It is these five roll calls that delineate the friends from the foes of assumption, and are grouped together in Table XXVIII. The other six party unity roll calls contained one procedural vote and questions of interest rates and the dates to be assigned preferred stock. These votes show the general pattern as the five primary votes with one principal exception, Ellsworth, a strong proponent of assumption, voting consistently with the opposition on behalf of lower interest rates.

There were also 13 non-partisan roll calls generated by the funding and assumption which arrayed both the foes and proponents of assumption in both parties against a minority that attempted to augment the benefits to holders of the debts, primarily by raising interest rates. The core

TABLE XXVIII

PARTY UNITY ROLL-CALL VOTES ON ASSUMPTION AND FUNDING

Senator		Attitude on Assumption					Profits Allowed Creditors					
		Vote Number					Vote Number					
		1	2	3	4	5	1	2	3	4	5	6
Langdon	NH	+	+	+	+	+	+	+	-	+	+	+
Wingate	NH	-	-	-	-	-	-	+	-	-	-	-
Ellsworth	CT	+	+	+	+	+	-	-	-	-	-	-
Johnston	CT	+	+	+	+	+	+	-	+	0	0	0
Dalton	MA	+	+	+	+	+	-	+	+	+	+	+
Strong	MA	+	+	+	+	+	-	+	+	+	+	+
Foster	RI	-	+	-	-	-	0	+	-	-	-	-
Stanton	RI	-	-	-	-	-	0	-	-	-	-	-
King	NY	+	+	+	+	+	+	+	+	+	+	+
Schuyler	NY	+	+	+	+	+	+	+	+	+	+	+
Elmer	NJ	+	+	+	+	+	0	+	-	+	+	+
Paterson	NJ	+	+	+	+	+	+	+	+	+	+	+
Maclay	PA	-	-	-	-	-	-	-	-	0	0	0
Morris	PA	+	+	+	+	+	+	+	+	+	+	+
Bassett	DE	-	-	-	-	-	-	-	-	-	-	-
Read	DE	+	+	+	+	+	-	-	-	-	-	-
Carroll	MD	+	+	+	+	+	-	-	-	-	-	-
Henry	MD	-	-	-	-	-	-	-	-	+	+	+
Lee	VA	-	-	-	-	-	-	-	-	-	-	-
Walker	VA	-	-	-	-	-	+	-	-	+	-	+
Hawkins	NC	-	-	-	-	-	-	-	-	-	-	-
Johnston	NC	-	-	-	-	-	-	-	-	+	-	-
Butler	SC	+	+	+	+	+	+	+	+	+	+	+
Izard	SC	+	+	+	+	+	+	-	+	+	+	+
Few	GA	-	+	+	-	-	-	-	-	-	-	-
Gunn	GA	0	-	-	-	-	+	-	+	-	-	-
Fed Yea/Nay		Y	Y	Y	N	Y	N	N	Y	Y	Y	Y

Key: + = support, - = against, 0 = absent.

Votes on Assumption:

1. July 14; Y=14, N=11; Agree to assume state debts to \$21,000,000.
2. July 14; Y=15, N=11; Agree to preamble of assumption bill.
3. July 16; Y=15, N=11; Combine assumption and funding bills.
4. July 20; Y=12, N=14; Strike assumption from bill.
5. July 21; Y=14, N=12; Passage of the bill.

Votes on Profits Allowed to Investors:

1. June 21; Y=13, N=10; Set four percent limit (settlement bill).
2. July 14; Y=15, N=10; Four percent on portion unsubscribed.
3. July 14; Y=10, N=16; Committee report/bill to a new committee.
4. July 28; Y=13, N=11; Increase second certificate six percent after 1800.
5. July 28; Y=11, N=13; Change date of second certificate to 1797.
6. July 28; Y=12+VP, N=12; Eight percent instead of seven on assumed.

group of high interest advocates consisted of Langdon of New Hampshire, King and Schuyler of New York, Paterson of New Jersey, Morris of Pennsylvania, and two ardent foes of assumption and high interest rates, Walker of Virginia and Henry of Maryland, who were probably trying to run up the price of assumption in order to make it more objectionable. One non-partisan roll call was on an exploratory vote called by the advocates of low interest in which a ceiling of four percent on all the domestic debt was proposed. Oliver Ellsworth voted for it. The other seven who supported the motion were staunch foes of assumption as were five who voted against the ceiling.

It is obvious that these roll calls are not a reliable criterion of partisan loyalty. It is altogether possible that the first half of these votes were called in order to embarrass William Maclay in the eyes of the Philadelphia credit holders and speculators in the public debts, in the hopes that they would defeat his reelection bid in the fall. These six votes came on July 19. Morris entered the Senate chamber in an "ireful disposition" and declared that he would "have the yeas and nays on every question." Maclay observed that this was in fact, "declaring war against me only, as it is me only whom they can effect in Pennsylvania." And, "I know they mean to slay me with the sword of the public creditors." Morris was as good as his word and uniformly called for the roll calls.³⁸ Maclay was so disheartened that he left the Congress for home in two days. Unfortunately, Maclay's sudden departure prevented his noting the events of the remaining three weeks of the session. The same voting patterns were repeated on similar measures on the 28th after the House returned the funding and assumption bill to the Senate with a number of amendments. The minority had no chance of

winning the higher rates, and may have made the motions calling for yeas and nays in order to sharpen the comparison between the voting efforts of Maclay and Morris.

The assumptions of states debts was never popular with the mass of the people, and the resistance in Congress was stubborn. After months of debate and lobbying, the prospects were still bleak until Hamilton agreed to trade both the temporary and permanent residence for its passage. Even then it passed by a margin of only one vote. As the assumption and funding proposals came to an impasse and intertwined with the struggle over the residence, the debates in the Senate became extremely acrimonious. Richard Henry Lee in writing to Patrick Henry about the debates over assumption said:

It is impossible for me to describe the scene here, and I shall content myself with saying, that everything met with in my former life is mere trifling, compared with this, and you know that I have been in very stormy legislative scenes.³⁹

The stormy sessions were a reflection both of the complexity of the issues and the importance that Senators attached to the eventual outcome. The assumption and funding proposals stirred visceral ideological commitments by the partisans on each side, as well as personal, state, and regional self interest. While much Southern hostility flowed from being taxed to pay debts from which they would not receive reciprocal benefits, many in both the North and South strongly feared that assumption would produce growth of the federal power at the expense of the states.⁴⁰ This fear corresponded to the hopes of Hamilton and his Federalist allies.

In the Report on Public Credit, Hamilton made it very clear that his proposals were based heavily on political considerations as well as

fiscal principles. Known as a firm and persistent advocate of a powerful central government, Hamilton thought the state debts must be pre-empted by the national government in order to prevent "collision and confusion" between the two levels of government particularly over the few "productive objects of revenue." If the states were relieved of their debts, they would have no need to compete with the national government for revenue. The indication was that the assumption would, therefore, facilitate the national government pre-empting the major share of tax resources. Evidently believing in the implications of the ancient proverb which holds that "where your treasure is, there will your heart be also," Hamilton argued that assumption of the state debts could cause all public creditors to have the same common interest in supporting the central government.⁴¹

In a letter to Edward Carrington, a Virginia Federalist, Hamilton affirmed that the "leading objects" of assumption and funding had been "an accession of strength to the national government, and an assurance of order and vigor in the national finances, by doing away with the necessity of 13 complicated and conflicting systems of finance . . ."⁴²

What Hamilton called "an accession of strength to the national government," his opponents referred to as "consolidation," their term for the process of appropriating the powers and authority of the states by the national government. In the South, exclusive of Charleston, South Carolina, the fear of consolidation was intermingled with regional economic rivalry. Oliver Wolcott, an ardent champion of assumption, gave one of the best summaries of Southern feeling in a personal letter to Nathan Strong.

In Virginia and some other states, there is a determined opposition. They fear a consolidation of the government; and also that if their state debts are assumed, all the securities will be purchased by foreigners, and by their neighbors. They say that the system of raising revenues by imposts operates unequally, they being the greatest consumers; that to remedy this inequality by a land tax, will make such establishments necessary as will render the general government formidable; that though the assumption will be a temporary relief . . . in the end it will operate to them like a foreign debt . . . These arguments have weight upon the principles of the gentlemen who urge them . . .⁴³

It is easy to understand how many felt that the assumption was unfair to the Southern states. One outstanding reason was that by 1790 four-fifths of the national debt had come to be owned by citizens north of the Mason and Dixon Line, and except for South Carolina most of the state debts likewise had been sold into the hands of Northern speculators.⁴⁴ The Southern anti-assumptionists saw that even though generous settlements might be made with the Southern states that repayment of the debt to a great degree would come from the imposts paid by Southern importers, and that the profits from the whole business would go into the hands of citizens of the North. The reality on which this fear was founded is illustrated by the fact that in 1795 the federal government dispersed \$309,500 in interest payments to the citizens of Massachusetts while paying only \$62,300 to the citizens of Virginia. Citizens of New York received \$367,000 in interest while those of Georgia received only \$6,800.⁴⁵

The strong sectional orientation of the conflict over assumption in the Senate is misleading in one aspect. The opposition to the funding and assumption program was by no means as centered in the South as the divisions within the Senate indicate. There was opposition from every state. For example, three of the six Representatives from New York

voted against assumption, as did four of the seven from Pennsylvania. Samuel Eliot Morison has argued that the remonstrance against assumption that was authored by Patrick Henry and adopted by the Virginia Assembly on December 23, 1790, "expressed the misgivings of plain folk throughout the country as well as those of the Virginia gentry."⁴⁶ The remonstrance denounced the monied and commercial interests, and expressed ideological concerns about the accretions of power by the central government through extra-Constitutional means.

In an agricultural country like this . . . To erect, and concentrate, and perpetuate a large monied interest, is a measure which your memorialists apprehend must in the course of human events product one or two evils, the prostration of agriculture at the fee of commerce, or a change in the present form of federal government, fatal to the existence of American liberty . . . Your memorialists can find no clause in the constitution authorizing Congress to assume the debts of the States.⁴⁷

Hamilton reflected an awareness that the Virginia Assembly was speaking for a wider portion of the population when he wrote, "This is the first symptom, of a spirit which must either be killed or will kill the constitution of the United States."⁴⁸ No one knew better than Hamilton the explosive potential of the funding program. The public securities had depreciated greatly and the present holders purchased the government securities at a fraction of their face value. Most people expected all securities to be depreciated in the final settlement. But Hamilton's program redeemed all securities at face value and converted all the back interest into principal. This raised the total face value of the public debt considerably (from around \$50,000,000 to \$80,000,000) and multiplied several fold the value of the securities held by the creditors and investors.⁴⁹ Large fortunes were thereby created instantly for many speculators. After examining the extant

public records, E. James Ferguson concluded that the program directly benefited a very small number of people in any state of the union. The "mass of the population certainly had no stake in the funding program of 1790."⁵⁰ On the other hand, servicing the debt required around 80 percent of the total government expenditures.⁵¹ It was facts such as these that made Hamilton alert to any influential critics, and it was facts such as these that helped to make plausible the Republican charge that the basic purpose of the program was to create a monied aristocracy that would support Hamilton in his alleged desire for establishing a monarchy.

Thus it was that one unexpected effect of the compromise of 1790 was to create an issue that would help to make the emerging Southern based Republican party a national party. For, even though Southerners and many agrarian localists of the North were glad to see the permanent residence moved to the Potomac, their opposition to the assumption and the Hamiltonian program only increased with time. The compromise of 1790 ensured the continuation of a Union that was being widely questioned in 1790, but it also ensured the continuation and escalation of the partisan conflict.

The Bank of the United States

On December 13, 1790, one week after the opening of the third session, Hamilton sent to the House of Representatives his Report on a National Bank in which he recommended the creation of a Bank of the United States. He envisioned a number of purposes to be served by this bank. It would be the principal depository of government funds, a loan agency for the government in times of financial need, and the chief

fiscal agent of the Treasury Department. It would exert central control upon the operations of the state banks. Most important of all, it would issue bank notes payable upon demand in gold and silver that would be receivable for all payments due to the United States government and serve as the principal circulating medium of the country.⁵² Hence, it was another significant extension of the power and functions of the central government.

Vigorous opposition began to be expressed by agrarian spokesmen in Congress. As the bank was not designed to serve directly the agricultural interests of the country, it was looked upon as a project designed to benefit only the commercial and financial interests. The bill provided that the government would supply one-fifth of the stock of the bank and appoint five of the directors. The remaining 80 percent of the stock would be sold to private citizens who would in turn appoint 20 directors to the Board of Directors. And particularly obnoxious to some was the provision that the private investors could pay three-fourths of the value of their stock with government securities bonds purchased by trading in government certificates. In other words, certificates issued in funding the debt could now be traded for stock in the new bank. As with the funding program, the bank was intended to serve important political purposes as well as practical financial needs. The government would license the bank and supply a significant portion of the working capital, yet it would allow the investors to direct the affairs of the bank. As John C. Miller has observed, "The rich men of the United States, already the owners of government securities, as the stockholders in the bank of the United States would be bound even more closely to the federal government."⁵³

The Senate appointed a committee to consider Hamilton's proposal for a bank. Four of the committee, Strong, Morris, Schuyler, and Ellsworth, were strong advocates of the proposal and one, Butler, was opposed. The committee produced a bill which conformed to Hamilton's recommendations. States north of Maryland supported the bill and all from Maryland and states to the south opposed it.

Maclay, who was now preoccupied with his desire to win reelection obviously did not want to stir the wrath of the monied interest in Philadelphia, deserted the Republicans on this issue. No friend of banks, Maclay found it hard to rationalize his support. It was not forbidden in the Constitution and the support for it was so strong as to make opposition useless, yet he confided to his diary that

. . . considered as an aristocratic engine, I have no great predilection for banks. They may be considered, in some measure, as operating like a tax in favor of the rich, against the poor, tending to the accumulating [of wealth] in a few hands; and under this view may be regarded as opposed to Republicanism . . . The great point is, if possible, to prevent the making of it a machine for the mischievous purposes of bad ministers; and this must demand more on the vigilance of future legislators than on either the virtue or foresight of the present ones.⁵⁴

On the day the bank bill was reported, he noted, "It is totally in vain to oppose this bill. The only useful part I can act is to try to make it of some benefit to the public which reaps none from the existing banks."⁵⁵

On the 15th when he made an effort to increase public benefit from the bank, he sounded as if he were speaking for the opponents of the bank. "I told them plainly," he wrote, "that I was no advocate of the banking systems; that I considered them as machines for promoting the profits of unproductive men."⁵⁶ He denounced allowing the holders of

public securities to purchase stock with their securities. He noted in his diary the following day that he had never seen "the spirit of speculation display itself in stronger colors."⁵⁷

The leaders of the opposition were James Monroe, who succeeded John Walker, Izard, and Butler.⁵⁸ Monroe wrote to Richard Henry Lee, who was absent due to illness, for his opinion as soon as the Senate committee read Hamilton's report. Lee's reply, which came to Monroe after the bill had passed, was probably representative of Southern and Western attitudes. Lee declared that the public should not become bankers, "because Banks are capable of great abuses, and because such abuses practiced by Government, leave injured Individuals too much without redress"⁵⁹ He went on to cite Adam Smith's Wealth of Nations condemnation of the bank operated by the British government, and said the arguments applied to American affairs with very increased force.

The Southerners, with no hope of defeating the measure in the Senate, attempted a weakening of the political and financial power of the bank by the amending process. They failed in their efforts to get the charter's duration reduced from 20 to 10 years, to allow Congress the option to cancel the charter after 10 years, and to remove its monopoly status. No Senator from north of Maryland supported them in any effort at amendment when a roll-call vote was taken.

Some charged that Southern opposition stemmed from the fact that the bank's existence in Philadelphia would constitute a major threat to the plans for a removal to the Potomac in 1800. John Rutledge, Associate Justice of the Supreme Court, wrote shortly afterward that Virginians and Marylanders thought it to be a "thing which would retard the moving of the seat southwardly."⁶⁰ It was widely thought that the

President would neither sign nor veto the bill and this gave great uneasiness. Maclay also noted the blending of the two issues and declared that the "Potomac interest seemed to regard it as a machine which, in the hands of the Philadelphians, might retard the removal of Congress."⁶¹ He judged that the "destruction of it, of course, was their object."⁶² Maclay saw the repeated attempts to shorten the length of the charter as a means of destroying the bank. All the monied men told him they would not invest their money for any less than the 20 year period. After the bill passed, he wrote, "Accident threw me in the company of the Southern opposition, but I abhor their design of destroying the bank altogether."⁶³

The Southerners dislike of the bank was genuine and they would, no doubt, have opposed its establishment separate and apart from the threat which it seemed to pose to a removal to the Potomac after 10 years. However, there can be no doubt that the two issues mixed in the minds of many, and the passage of the bank and the second residence bill became intermixed much like the assumption of state debts and the first residence had done.

When George Washington issued his proclamation relating to his selection of a site on January 24, it was clear he had located one-third of the district outside the area authorized by Congress. This seemed to necessitate Congressional action. This involved a risk that Congress might not approve, or might even undo the Potomac agreement. Washington evidently gambled on his prestige and the weight of the recent compromise to gain Congressional approval for his action. The Senate was less than enthusiastic about Washington's action. Carroll finally attempted to bring in a supplementary residence bill designed

to amend the original act to make it conform to Washington's choice. The opposition organized quickly and on February 18, the bill was postponed until February 25 by a vote of 15 to 10. All Senators north of Maryland were in the opposition and the delay held off consideration of the bill until the last week of the session. During the week of delay, the Senate and House deadlocked over the efforts of the House to amend the excise bill which was so unpopular in the South and West but desired by Hamilton. Carroll and his Southern allies were using delaying tactics against the House supplement to the bank bill. Washington held the bank bill which Jefferson and Randolph had advised him to veto on the grounds that it was unconstitutional, and asked Hamilton to make a reply.

Malcom Boyd presents the idea that Hamilton feared that Washington would either veto or allow the bank bill to become law without his signature (given the unpopularity of banks and the general opposition to Hamilton's entire system, he feared Washington's withholding his signature almost as much as his veto) and used his influence to secure Senate acceptance of the House amendment to the excise tax and passage of Carroll's amendatory residence bill in exchange for acceptance of the House supplement to the bank bill and Washington's signature to the act creating the bank. He presents notes exchanged by Washington and Hamilton which suggest the plausibility of the bargain.⁶⁴ At any rate, on the day that Washington signed the bank bill four ardent supporters of the bank, Langdon, Schuyler, Morris, and Read, threw their support behind Carroll's bill and ensured its passage. The Senate conferees accepted the House amendments of the excise bill and the Southern bloc allowed the supplement to the bank bill to pass without further resistance. The evidence for a bargain between the President, the Secretary of Treasury and

partisan leaders within the Senate is strong. Since a legislative log jam involving the Hamiltonian programs and the amended residence act broke on the day the President signed the bank bill, it seems the least that can be inferred is that there was a significant amount of maneuvering and bargaining going on that had to involve confidentialities and cooperation between partisan leaders in both houses of Congress.

As Washington hesitated over signing the bank bill, he may have pondered the possible threat that a national bank in Philadelphia might pose for the removal to the Potomac, and he may have used delay as a tactic in pressuring Hamilton to allow the passage of the second residence bill. But there can be no doubt that Washington was concerned over the question of Constitutionality which Madison had raised in the House debates and which Attorney General Randolph and Secretary of State Jefferson had made as grounds for a Presidential veto of the bill. Washington delayed while waiting for Hamilton to make a reply. Washington was no doubt aware that the ideological dispute over the Constitutionality of the bank was an outgrowth of the partisan conflict over the nature of republican government and that the briefs submitted by Jefferson and Hamilton were incisive expositions of the fundamental difference between the two parties applied to the specific question for a national bank.

Jefferson spoke for those who wanted to confine the government to those functions called for by the Constitution under a literal reading of the Constitution, and argued that Article XII specifically reserved to the states and to the people all power not specifically granted to the Congress. To give a broad interpretation to the "general welfare"

and "necessary and proper" clause would make the specific enumerations and restrictions of power worthless in preventing the growth of governmental powers.⁶⁵ Hamilton argued for the elastic interpretation of the Constitutional phrases in order to justify a strong and vigorous government.⁶⁶ Washington's decision was a choice between two partisan philosophies, and once the choice was made, it resulted in increased efforts among those whose views of government and the Constitution had been rejected. The Federalists of the Senate had probably helped to nudge the President toward the implied endorsement of their Constitutional principles by blocking the second residence bill until the President gave his prestigious endorsement to the bank by signing the bank bill.

Party Contention and Commercial Policy

Jefferson's open break with Hamilton and his assumption of the role as a leader of the emerging opposition party came two weeks prior to denouncing Hamilton's bank proposal as unconstitutional. The original break with Hamilton grew out of their divergent views on American relations with France and Great Britain. The serious differences date at least from the last part of January when Jefferson elected to defy Hamilton and advocate a navigation act which would retaliate the British navigation laws and give a boost to the revival of the American carrying trade. Hamilton had consistently resisted such ideas and recently objected to Jefferson's proposals for giving reductions in tonnage duties to French merchantmen. Jefferson had prepared a report on the French protest of America's new tonnage laws and sought Hamilton's approval for his proposed tonnage concessions to France. Hamilton

reacted sharply. On January 11 he wrote to Jefferson stating his general rejection of any concessions because even though there was a "collateral" element there was a want of "reciprocity" in the plan.

Two days later he revealed his practical reasons. It would "beget discontents elsewhere." He frankly stated without false modesty that "My commercial system turns very much on giving a free course to trade, and cultivating good humor with all the world."⁶⁷ Hamilton was an advocate of protective tariffs, and was, therefore, being less than direct. However, his general meaning was clear as he proceeded to declare that "I feel a particular reluctance to hazard anything, in the present state of our affairs, which may lead to a commercial warfare with any Power."⁶⁸ Jefferson could not escape his intended message--such concession to France would disturb Britain and possibly provoke commercial war with Britain, and this could be fatal to the whole structure of Hamiltonian finance. Jefferson sent his report to Washington who in turn forwarded it to the Senate. Jefferson denied that the tonnage laws violated the treaty with France but presented alternate plans for making tonnage concessions in return for the privilege of duty free sale of American whale oil in France. The Senate received the report on January 19 and immediately insured that nothing displeasing to Hamilton would come of it by referring it to a committee composed of Morris, Izard, King, Strong, and Ellsworth. All were staunch Hamiltonians with the partial exception of Izard who had supported assumption but was opposing the bank. They delayed action until the end of the session and then recommended a rejection of the French demands in "the most friendly manner."

If Hamilton had mistaken Jefferson's non-committal report as a sign of acquiescence, he was soon disillusioned. On February 1, the President signed and passed on to the House of Representatives a report on the plight and needs of the nation's cod and whale fisheries which the House had instructed him to prepare in August of 1790. The Hamiltonian Federalists were caught off guard by the report on the fisheries. The representatives of the Massachusetts-based industry had presented memorials to Congress which asked for reductions of import duties used by the industry in order that it might meet British competition. In as much as it was the chief training ground for American seamen, the prosperity had long been discovered as a vital national interest. Currently the industry was in danger of extinction, and the Federalist mercantile interest even in Massachusetts had ignored their plight rather than risk irritating Britain whose continued trade they coveted. The report was an impressive review of the history and present plight of the fishing industry, and recommended removing the tonnage and naval duties on the ships employed and supplies used by the industry. Jefferson inserted in the report a severe attack on Great Britain and called for navigation laws that would set up a policy of retaliation toward Britain.

Before the members of the House had a chance to study the report, Madison helped get the report referred to Senate immediately. The Senate received the report on March 4 and the following day they ordered it to be printed. The partisan thrust was evidently not expected. Maclay thought that Jefferson's real purpose was "to make them a nursery for seamen, that we, like all nations of the earth, may have a navy."⁶⁹ Evidently the report was ordered to be printed without examination.

Maclay simply noted on Saturday, March 5, that it was ordered to be printed. But he also indicated that Adams, who was in the Senate chambers on both days, as well as Hamilton, were anxiously involved in revising the excise bill sent up from the House.⁷⁰ On order from the Senate, the report was printed in pamphlet form by Childs and Swaine and was immediately reprinted in the Gazette of the United States by John Fenno, who then reprinted it in pamphlet form.⁷¹ It was then extensively reprinted throughout the country.⁷²

The Federalists soon learned the real political intent of the report. On Monday, Rufus King argued that the minutes from Saturday were in error. Maclay said that the report which had been ordered to be printed on Saturday, "he wished to be postponed to the 28th of December next, and corrected the minutes of Saturday to read so."⁷³ However, later in the day they were amended again and set nearer the truth. It is easy to understand why King would try to kill the report by a year's postponement, for Jefferson had intermixed a sharply worded condemnation of Britain and argued for the United States' passing retaliatory navigation laws based on the British model. This was a public challenge to the very base of the Hamiltonian fiscal system, for the funding of the assumed national debt and proposed national bank all depended upon revenue collected from extensive British trade and carrying service. If Jefferson's proposals were to be adopted commercial war and a rapid collapse of the nation's finances might immediately follow.

Jefferson interspersed enough clear references to Britain to make it perfectly clear that they were, in his eyes, the great threat to American maritime prosperity. The "plan of the English Government since

the peace has been to prohibit all foreign fish in their markets," and to pay bounties to shipping vessels complying with certain conditions.⁷⁴ The British had tempted our fishermen to move to Nova Scotia and England by paying enticing bounties, while prohibiting the sale of their products in their markets if they remained in America. Some statements were rather brash:

The only nation whose oil is brought hither for competition with our own, makes ours pay a duty of about 82 dollars the ton in their Ports. Theirs is brought here too, to be reshipped fraudently under our flag into ports where it could not be received under theirs, and ought not to be covered by ours, if we mean to preserve our own admission into them.⁷⁵

They charged a heavy duty on our oil and refused to receive any oil shipped in American vessels. Therefore, he concluded that the "exparte regulations which they have begun for mounting their navigation on the ruin of ours, can only be opposed counter-regulations on our part."⁷⁶

There could be no mistake, Jefferson was challenging the well known Hamiltonian policy of acquiescing to British policy in order to continue harmonious trade relations. He was calling for navigation laws that would encompass the whole of American trade and not just the fishing industry for he spoke "tobacco . . . livestock . . . Rice . . . other grain . . . Ship timber, potash, and peltry."⁷⁷ America could employ 10,000 seamen and earn \$2 million dollars annually by reclaiming the portion of carrying trade in the hands of foreigners who did not have the fair treaty arrangements with the United States. This and more could be done if the United States would pass regulations which were "exactly the counter part of those established against us."⁷⁸ He drew these demands to a pointed conclusion by saying "if there be anything unfriendly in this, it was in the first example."⁷⁹

Jefferson had taken a bold and decisive step in publicly posturing as a spokesman for those in the House and Congress who had set themselves against these domestic and foreign fiscal policies of Hamilton. Having lost the immediate battle on domestic affairs, the party of the opposition was deliberately carrying the controversy into the public arena in order to gain popular support and win additional allies for Congress by securing the election of men who shared their views. Obviously, Jefferson had worked in cooperation with Madison and Monroe and their allies in the Congress in bringing the report on the fisheries into the public eye with what appeared to be the approval of the President and both Houses of Congress. This is confirmed by evidence from certain correspondence. On March 4, the day the Senate received the report and the day before the Senate ordered it printed, Jefferson wrote to George Mason of his sympathy for the French Revolution and his efforts to aid France in her struggle with Britain and confided that "I will send you a copy of a report I have given in, as soon as it is printed."⁸⁰

Jefferson not only expected the report to be printed by the Senate, but he seems to interpret the significance of the report for Mason by placing it in the context of the partisan struggle which had then spread into the government from the Senate and the House. If the French Revolution could be successful it would spread all over Europe. And even more significantly he explained that, "I consider the establishment and success of the government as necessary to stay up our own and prevent it from falling back to that kind of Half-way-house, the English Constitution."⁸¹ Continuing, he seems to refer to Hamilton and his Federalist allies when he says:

It cannot be denied that we have among us a sect who believe that [the British Constitution] to contain whatever is perfect in human institutions; that the members of this sect have, many of them, names and offices which stand high in the estimation of our countrymen.⁸²

He had "been endeavoring to obtain some little distinction for our useful Customers the French."⁸³ In the report he had presented the French as our best customer in the long run of affairs. It was clear he expected a fight to develop over his recommendations, for "there is a particular interest opposed to it which I fear will prove too strong. We shall soon see. I will send you a copy of a report I have given in . . ."⁸⁴

Jefferson continued to write from the perspective of a participant in a partisan struggle. He not only doubted the proposals would pass the Congress, but he predicted the programs of the "sect" he had referred to would "all pass. The excise will pass. The bank will pass."⁸⁵ Furthermore, he obviously expected the partisan strife would continue and gave Mason, a leading political power in Virginia, his view of how to secure success for their side:

The only corrective of what is amiss in our present government will be the augmentation of the members in the lower house, so as to get a more agricultural representation, which may put that interest above that of the stock-jobbers.⁸⁶

Hamilton was a key leader of a phalanx in both Houses of Congress, and it is clear that Jefferson was assuming a similar role among the opposition both in and out of Congress throughout the entirety of the third session. Boyd has concluded that Jefferson and Madison were seeing each other almost daily and were "engaged in constant, confidential, and unalterable opposition" to the Hamiltonian forces."⁸⁷ He was also in constant communication with members of the Senate. As early as January 18 he could write a hasty note to Monroe and ask him to reply to certain

important friends and explain the lack of jobs at his disposal. He had no hesitation seemingly when he said, "I must beg you to make answer for me . . . Your taking the trouble to write thus much, and apologize for my not writing will oblige Dear Sir Your sincere friend & servt."⁸⁸

The Increasing Visibility of Parties

Sometime early in the third session, Jefferson, Madison, and others decided on the necessity of a party newspaper to counter the influence of John Fenno's Gazette of the United States. In early February, Madison and Henry Lee recommended Philip Freneau to Jefferson as a man suited for the job.⁸⁹ A vacancy within the State Department opened the way. Jefferson wrote his first invitation to Freneau on February 28. His letter implies that Freneau was already aware of their general desire, for Jefferson did not mention publishing a newspaper, but cautiously suggested that the job "gives so little to do as not to interfere with any other calling the person may chose, which would not absent him from the seat of government."⁹⁰ Their bargain was not settled until late in July, but the negotiating had started after the bank bill had passed the Senate, and after the report on the fisheries had been published, but well before Jefferson was asked by the President to write his opinion on the Constitutionality of the bank.

The partisan struggle within the government was causing many to object to the secrecy in which the Senate conducted all of its business. The legislatures of Virginia, Pennsylvania, New York, North Carolina, and South Carolina, had during that session of Congress passed resolves calling upon the Senate to open its doors.⁹¹ Monroe, acting in obedience to the Virginia resolve, introduced a resolution for opening the doors

beginning with the next session on February 24. Monroe argued that the Senate, as a representative body in a republican society, should be open to public scrutiny at all times. He argued that experience had demonstrated bodies with delegated powers, which operated in secrecy, tended to extend their powers. Only by exposure to the public view could the people guard against the adoption of the measures "dangerous to the public liberty."⁹² Maclay recorded that Morris, Ellsworth, and others argued that state legislatures had no power to instruct a Senator on any matter. Maclay spoke sentiments similar to those of Monroe, but the matter was easily defeated by a two to one margin.⁹³ The fight to open the doors of the Senate to the public had begun.

It is, therefore, evident that the loosely knit Senatorial parties of the first session persisted into the second and third sessions and became a working part of developing parties within the government. By the end of the First Congress, the party that formed in support of expanding the government beyond the requirements of a literal reading of the Constitution had won a series of legislative battles that had resulted in the adoption of most of the fiscal programs set forth by Alexander Hamilton. The opposition party had gained strength and hope as Madison, Jefferson, and Monroe joined an effort to carry the partisan struggle to the people. This soon resulted in a growing polarization of the general electorate.

FOOTNOTES

¹Kenneth R. Bowling, "'Seat of Empire;' the South and the Significance of the Location of the National Capital." (Unpublished paper presented to the Southern Historical Association, November 13, 1970). Also, Lawrence Cress, "Whither Columbia? Congressional Residence and the Politics of the New Nation, 1776-1787," William and Mary Quarterly, 3rd Ser., Vol. XXXII (October, 1975), pp. 1-6.

²Charles C. Tansill, ed., Documents Illustrative of the Formation of the Union of the American States (Washington, 1927), pp. 464-465.

³William Grayson to Patrick Henry, September 29, 1789, quoted in William Wirt Henry, Patrick Henry: Life Correspondence, and Speeches (New York, 1969), Vol. III, pp. 405-407.

⁴William Grayson to James Madison, October 7, 1789, in Julian Boyd, ed., The Papers of Thomas Jefferson (Princeton, 1974), Vol. XIX, p. 16.

⁵Daniel Carroll to James Madison, October 4, 1789, *Ibid.*, p. 13.

⁶*Ibid.*, p. 17.

⁷Edgar S. Maclay, ed., The Journal of William Maclay, United States Senator from Pennsylvania, 1789-1791 (New York, 1890).

⁸Richard Henry Lee to Thomas Lee Shippen, June 1, 1790, in James Curtis Ballagh, ed., The Letters of Richard Henry Lee (New York, 1914), Vol. II, p. 520.

⁹Richard Henry Lee to Thomas Lee Shippen, June 29, 1790, *Ibid.*, pp. 528-529.

¹⁰Richard Henry Lee to Thomas Lee Shippen, July 6, 1790, *Ibid.*, pp. 531-532.

¹¹James Madison to George Washington, November 20, 1789, in Gaillard Hunt, ed., The Writings of James Madison (New York, 1908), Vol. V, pp. 425-429.

¹²Richard Henry Lee to Thomas Lee Shippen, June 16, 1789, in Ballagh, p. 520; Maclay, p. 275.

¹³Maclay, pp. 280-281.

¹⁴Irving Brant, James Madison: The Father of the Constitution, 1778-1800 (New York, 1950), p. 312.

¹⁵James Madison to James Monroe, June 17, 1790, in Hunt, Vol. VI, p. 16.

¹⁶Norman K. Risjord, "The Compromise of 1790: New Evidence on the Dinner Table Bargain," William and Mary Quarterly, 3rd Ser., Vol. XXXI (April, 1976), pp. 309-314.

¹⁷James Madison to James Monroe, June 17, 1790, in Hunt, Vol. VI, p. 16.

¹⁸James Madison to Edmund Pendleton, June 22, 1790, *Ibid.*, pp. 16-17.

¹⁹Thomas Jefferson to William Hunter, Jr., to Nicholas Lewis, to George Wythe, and to George Mason in Boyd, Vol. XVI, p. 164. Quotations are from Mason's letter as quoted in Whitney K. Bates, "The Assumption of State Debts, 1783-1793" (unpub. Ph.D. dissertation, University of Wisconsin, 1951).

²⁰Maclay, pp. 294-295.

²¹Thomas Jefferson to Thomas Mann Randolph, June 20, 1790, in Boyd, Vol. XVI, pp. 540-541.

²²*Ibid.*

²³Thomas Jefferson to James Monroe, July 20, 1790, quoted in Dumas Malone, Jefferson and His Time (Boston, 1951), Vol. II, p. 299.

²⁴Annals of Congress: The Debates and Proceedings of the Congress of the United States (Washington, 1834), Vol. II, p. 1624.

²⁵Maclay, p. 284.

²⁶Thomas Jefferson to Thomas Mann Randolph, June 20, 1790, in Boyd, Vol. XVI, pp. 540-541.

²⁷Maclay, p. 314.

²⁸*Ibid.*, p. 309.

²⁹*Ibid.*, p. 314.

³⁰Annals of Congress, Vol. II, p. 1672.

³¹Cress, p. 584.

³²Thomas Jefferson to George Gilman, June 27, 1790, in Boyd, Vol. XVI, p. 575; Bowling, p. 17.

³³H. James Henderson, "The Structure of Politics in the Continental Congress," in Stephen G. Kurtz and James H. Hutson, eds., Essays on the American Revolution (Chapel Hill, 1973), pp. 341-342, 408.

³⁴Cress, p. 599.

³⁵Bowling, p. 16.

³⁶Maclay, pp. 341-342.

³⁷John C. Miller, The Federalist Era, 1789-1801 (New York, 1963, pp. 38-39.

³⁸Maclay, p. 337.

³⁹Richard Henry Lee to Patrick Henry, June 10, 1790, in Ballagh, Vol. II, p. 523.

⁴⁰Richard B. Morris, ed., Alexander Hamilton and the Founding of a Nation (New York, 1957), p. 287.

⁴¹From the "Report on Public Credit," in Harold C. Syrette, ed., The Papers of Alexander Hamilton (New York, 1962), Vol. VI, pp. 65-168.

⁴²Alexander Hamilton to Edward Carrington, May 26, 1792, Ibid., Vol. XI, pp. 426-445.

⁴³Oliver Wolcott to Nathan Strong, February, 1790, in Bates, p. 244.

⁴⁴John C. Miller, The Federalist Era (New York, 1960), p. 284.

⁴⁵Samuel Eliot Morison, The Oxford History of the American People (New York, 1972), Vol. II, p. 44.

⁴⁶Ibid.

⁴⁷Ibid., p. 45.

⁴⁸Ibid.

⁴⁹Miller, The Federalist Era, pp. 38, 41.

⁵⁰E. James Ferguson, The Power of the Purse: A History of American Finance, 1776-1790 (Chapel Hill, 1961), p. 284.

⁵¹Miller, The Federalist Era, p. 53.

⁵²Ibid., pp. 55, 62.

⁵³Ibid., p. 56.

- ⁵⁴Maclay, p. 355.
- ⁵⁵Ibid., p. 364.
- ⁵⁶Ibid., p. 371.
- ⁵⁷Ibid.
- ⁵⁸Ibid., p. 368.
- ⁵⁹Richard Henry Lee to James Monroe, January 15, 1791, in Ballagh, Vol. II, p. 541.
- ⁶⁰John Rutledge to William Short, March 30, 1791, in Boyd, Vol. XIX, p. 39.
- ⁶¹Maclay, p. 373.
- ⁶²Ibid., p. 374.
- ⁶³Ibid.
- ⁶⁴Boyd, Vol. XIX, pp. 32-40.
- ⁶⁵Jefferson's arugment against the bank, Ibid., pp. 493-494.
- ⁶⁶Hamilton's defense of the bank is given in full in Syrette, Vol. VII, pp. 305-342.
- ⁶⁷Hamilton to Thomas Jefferson, January 11, 1791, and January 13, 1791, quoted in Malone, Vol. II, p. 329.
- ⁶⁸Ibid., p. 330.
- ⁶⁹Maclay, p. 384.
- ⁷⁰Ibid., pp. 384-385.
- ⁷¹An extensive review of events surrounding the report is found in Boyd, Vol. XIX, pp. 140-172, and is treated by Malone, Vol. II, pp. 332-336. The report is printed in full in Boyd, Vol. XIX, pp. 206-226.
- ⁷²Boyd, Vol. XIX, pp. xxxii-xxxiii.
- ⁷³Maclay, p. 386.
- ⁷⁴Boyd, Vol. XIX, p. 209.
- ⁷⁵Ibid., p. 214.
- ⁷⁶Ibid., pp. 217-218.
- ⁷⁷Ibid., p. 217.

⁷⁸Ibid., p. 218.

⁷⁹Thomas Jefferson to George Mason, February 4, 1791, Ibid., pp. 241-242.

⁸⁰Ibid.

⁸¹Ibid.

⁸²Ibid.

⁸³Ibid.

⁸⁴Ibid.

⁸⁵Ibid.

⁸⁶Ibid.

⁸⁷Ibid., p. 544.

⁸⁸Thomas Jefferson to James Monroe, January 18, 1791, in Boyd, Vol. XVIII, p. 514.

⁸⁹Douglas Southill Freeman, George Washington: A Biography (New York, 1954), Vol. VI, p. 402.

⁹⁰Thomas Jefferson to Philip Freneau, February 28, 1791, in Boyd, Vol. XIX, p. 351.

⁹¹Richard Hildreth, The History of the United States of America (New York, 1879), pp. 249-250.

⁹²Harry Ammon, James Monroe: The Quest for National Identity (New York, 1971), pp. 84-85.

⁹³Maclay, pp. 401-402.

CHAPTER V

THE SENATE AND NATIONAL PARTIES

Overview

Although there was still no official designated party leadership or organization within the Senatorial parties that emerged in the first session or the enlarged parties within the government which appeared in the second session, by the end of the third session of the First Congress, the leaders of the Southern dominated minority launched a move to appeal to the general electorate for support. They wished to marshall public opinion against the programs, purposes, and trends of the Hamiltonian Federalists. The efforts to stir public opposition to the Federalists created counter measures from the Federalists. The result of this escalated partisan struggle, which had appeared first in the Senate and spread through the government, was the development of two competitive national parties that would endure through the administration of the nation's first four Presidents.

Republican Party Building

As the First Congress drew to a close, Jefferson, Madison, and Monroe were cautiously, but surely, setting out to build public opposition to the Hamiltonian measures, and at the same time to create support for the Republican candidates in the next year's elections. Jefferson's

correspondence reflects these purposes. After the Senate had passed the bank bill and Jefferson had submitted his report on the fisheries, he began to seek political intelligence from his correspondents and, at the same time, subtly planted the idea that he was interested in opposition to the Hamiltonian measures. His letter of February 4 to George Mason left Mason little room to doubt Jefferson's political intentions. He talked of the "sect" that thought the British Constitution perfect and labeled the view "heresy." He asked, "What is said in our country of the fiscal arrangements now going on?" He further volunteered that he feared their effect "when I consider the present temper of the Southern states."¹ He was of the opinion that "more attention should be paid to the general opinion."² However, the whole Hamiltonian program then before Congress would pass. The "only corrective" of "what is amiss in our present government" would come only by "more agricultural representation" in the House of Representatives.³ On the same day he wrote to Chancellor Robert R. Livingston in New York ostensibly on scientific matters. Yet, he concluded by inquiring if the people in his quarter were "as well contented with the proceedings of our government, as their representatives say they are?"⁴ Jefferson advised him that "a vast discontent" had gathered in the South, and "how and when it will break God knows. I look forward to it with some anxiety."⁵

Ten days after the close of Congress, Jefferson wrote to James Innes of Kentucky on legal matters but quickly turned to a lengthy political discussion in which he adroitly stirred troubled waters and urged him to come to Congress. Jefferson asked what people were saying of the proceedings of the First Congress. He specifically was interested in Innes' opinion of the measures passed for carrying into effect the

assumption of state debts which Innes opposed. Also, Jefferson inquired of what he thought of "measures taken for forcing Gr. Britain, by a navigation act to come forward in fair treaty" thus letting us trade with her islands in exchange for her privileges of trade with the United States.⁶ This, Jefferson assured him, would be profitable to agriculture. Jefferson wished he would come to Congress "and give your assistance on a larger scale."⁷ Jefferson was satisfied Innes could "render essential service." He went on to say, "I have such confidence in the purity of your republicanism, that I know your efforts would go in the right direction."⁸ Jefferson deliberately implied that the partisan situation in the government was likely to continue into future administrations when he declared:

Zeal and talents added to the republican scale will do no harm in Congress. It is fortunate that our first executive magistrate is purely and zealously republican. We avail ourselves of the present day to establish principles and examples which may fence us against future heresies preached now, to be practiced later.⁹

If Jefferson was not meaning to recommend himself as a successor to Washington, he was certainly meaning to stir thoughts of the importance of the right selection in view of the ongoing partisan struggle.

Jefferson and his allies were not alone in viewing the government as divided into two parties by the end of the First Congress. About this time, William Stephen Smith, an ally of Robert Morris and Alexander Hamilton, wrote a confidential report on the political situation in America for Lord Greenville who was about to become the British Secretary of Foreign Affairs. Smith declared that there were "two parties in the Amer. Gov., composed of the principle leading men of the country--one set of individuals very powerful and respectable in favor of France--and

another in favor of England."¹⁰

Given this partisan atmosphere, there is little need to doubt that Jefferson's and Madison's month long tour of New York and the New England states during the spring had heavy political overtones.¹¹ They were aware of the political benefits of Washington's trips between the capital and Mount Vernon and his tours of New England and Rhode Island. In fact, Washington was on an extended tour in the Deep South at the time Jefferson and Madison were in New England. They did see a number of political friends, and the Federalists of New York put their own interpretation on the trip. Robert Troup wrote to Hamilton that Livingston, Burr, Jefferson, and Madison gave "every appearance of an ardent courtship."¹² They probably created their alliance with the Clintonian faction of New York which looked forward to the election of the Vice President and Representatives to the Third Congress in the coming year.

After leaving New York, they traveled through New England to Vermont, which had been admitted to the Union on March 4. Boyd has suggested that even though Vermont was known to them as a region of land speculations and serious intrigues with the British, they also knew of signs of liberalism such as abolition of slavery, a unicameral legislature, religious tolerance, and free manhood suffrage. Therefore, it was concluded that a chief object of the trip may have been to learn which political element was predominant among the people.¹³ The two were probably not displeased with the publicity their journey received in the newspapers, especially when their's was favorable compared to that of Washington's in the South. One article, reprinted in more than one paper, probably delighted both by declaring that the Secretary of

State was accompanied by "the Charles Fox of America, the celebrated Madison," thus implying that Madison was the recognized leader of the opposition in Congress.¹⁴ This tour which allowed the two to meet leading political figures in various states and draw personal conclusions about public opinion constituted an important element in the development of parties.¹⁵

Monroe, who served on a committee to revise the Virginia Constitution in the summer of 1791, kept in touch with Jefferson through the summer and devoted considerable thought and energy to the matter of party development. Monroe had assured Jefferson that the Virginia delegation felt the paramount issue was the growing attempt to centralize power in the hands of the central government. Jefferson wrote to Monroe enclosing a copy of Tom Paine's controversial tract, The Rights of Man, and informed Monroe that he had observed with dismay "the growing tendency of the general government toward Monarchy."¹⁶ He probably had his mind on Monroe's part in revising the state constitution as he added that the only remedy to the problem lay in having each state erect "such barriers at the constitutional line as cannot be surmounted either by themselves or by the General Government."¹⁷ Monroe's biographer, W. P. Cresson, concluded that it was "to Jefferson's plan to strengthen the state governments as the strength of the federal government increased that Monroe gave his time."¹⁸ Cresson also credited the influence of Monroe as a factor in Madison's move from the position of administration leader in the House to an avowed member of the opposition. As Federalism became "more and more dogmatic in its devotion to a centralized government," and the "Hamiltonian clique" revealed ever more clearly their "willingness to destroy the liberties of the people," Madison found

himself more willing to "subscribe to the program to which the partisan Monroe and the leaders of the Southern democracy were already laying foundations."¹⁹

Monroe was evidently thinking of future national party building, as well as the revision of the Virginia Constitution, in the summer of 1791. On June 17, he wrote to Jefferson that upon political matters "we perfectly agree, and particularly in the reprobation of all measures that may be calculated to elevate the government above the people."²⁰ To keep the government in proper bounds would require "virtue" on the part "of the publilck [sic] servants."²¹ He believed that a majority of the people were "for democracy" and "if they are well informed" the efforts at extending the government would be curbed."²² It is not known if Monroe knew of Jefferson's efforts to secure Freneau as a publisher of a partisan newspaper, but he obviously would have favored the project. He went on confidently to tell Jefferson that "I shall see you in Sep[tembe]r at wh. time we will confer more fully on these subjects."²³ Jefferson seemed to relish the idea of future conferences and quickly proposed to Monroe that he quarter his horses in his stables during the next session of Congress.²⁴ This was obviously designed partly to furnish frequent opportunities for unobtrusive personal meetings.

As the Second Congress got underway, the influence of Monroe was significant. Harry Ammon has argued that his role in the Senate "was similar to that of Madison in the House: organizer and leader" of the Republican opposition.²⁵ Monroe was soon sharing his partisan views with a national audience after Philip Freneau began to publish the National Gazette.

After repeated urging from Jefferson and Madison over a five month period, Freneau agreed to move to Philadelphia. Arrangements were made for Francis Childs, Freneau's employer in New York, to underwrite the venture. Freneau shared as a third partner without investing any capital. Jefferson signed his commission as "clerk of foreign languages" on August 16. He arrived in Philadelphia in late September and issued the first edition of the National Gazette on October 31, one week after the opening of the Second Congress. During the first few months the paper's partisanship was of a moderate nature.²⁶ Within four months it would make vicious partisan attacks on the Federalists and Hamilton's program.

Senator Monroe made his debut in the National Gazette in a series printed on November 14, 24, and December 12, 1791. The series, written under the pseudonym "Aratus," argued that the French Revolution was inseparably linked to the domestic political contest in America. The widespread condemnation of the French Revolution in this country suggested the existence of a Monarchical party here. This was true because there was an indivisible unity between the French Revolution and freedom and human rights everywhere. The American Revolution had been based on the same principles as the French. In America the tyranny was in embryo and seated at a distance. In France the oppression was full grown and within their homeland. But in both instances "the power which belonged to the body of the people was resumed." Furthermore, "whoever owns the the principle of one revolution must cherish those of the other."²⁷ To try to distinguish the two was the result of blind prejudice or a perversion of reason. America was obligated to return the assistance given to her by the French. To fail to do so would be

an abandonment of the principles of freedom. Since the Revolutions were inseparable, failure in France would endanger liberty in America.²⁸ In this series Monroe sounded a theme that Republicans would soon be repeating for the next decade--the enemies of France at home, as well as abroad, were monarchists and determined to subvert republican institutions. Here was a reinterpretation of the American Revolution that gave great impetus to the Republican party.²⁹ If Jefferson's report on the fisheries was a declaration of war, this was the issuing of the party battle cry.

Madison also contributed to the National Gazette through the winter and spring of 1791-1792. By late January, he was ready to admit that political parties were inevitable. "In every political society," he declared, "parties are unavoidable." They grew out of the "nature of things" in all societies.³⁰ This public attempt to explain the natural origin of parties furnishes clear proof that the readers of the National Gazette were being prepared to accept with approbation the existence of the opposition party, in order that Madison and his colleagues might promote its development into the party of the majority.

On February 23, 1792, Freneau ended the moderation of earlier months and "loosed without warning a barrage of hypercritical comment . . . that surprised Federalist leaders and shook the administration to its foundations."³¹ Three series of articles, attributed to "A Farmer," "Butus," and "Sidney," made a sustained and incisive attack almost continuously through the month of May. The series by "A Farmer" was addressed to "the Yeomenry of the United States," and ran from the last of February until April.³² "Though the American Aristocrats have failed . . . to establish titles by distinction of law," the "Farmer"

declared, "yet the destructive principles of Aristocracy are too prevalent amongst us."³³ From March 15 to April 9 "Brutus" savagely attacked Hamilton's funding and assumption program which "like Pandora's box . . . is pregnant with every mischief."³⁴ Its victims were "the industrious merchant, the laborious farmer, and generally the poor and middling classes."³⁵ The "political bark" was gliding down the stream from "freedom to slavery." The "inevitable and fatal" results of the complicated system would be "an impoverished peasantry on the one hand, and a privileged aristocracy on the other."³⁶ A threat to the Federalists was plain: "Let the Secretary of the Treasury and his adherents beware . . . let them remember, that altho' the republican jealousy of the people may sleep for a time, that it is not extinct."³⁷ After this series the National Gazette was permanently marked as an "organ of ultral-Republican propaganda."³⁸ "Sidney" attacked Hamilton's excise tax with infinite precision from every conceivable angle from April 23 through May 24 in articles that sometimes covered an entire page or more.³⁹ By June, Freneau was openly pointing to the elections in November which would produce a "new era" and the dawning of a glorious day in which "republicanism flourishes and is again in fashion."⁴⁰

The verbal fusillade of the Republican writers caught the Federalists off guard. Fenno's replies were "more suggestive of retreat than of resistance."⁴¹ Through May and June, Fenno made personal attacks on Freneau. Accused of electioneering for a faction, Freneau replied that a faction did indeed exist and it was made up of a "very respectable number of the anti-aristocratical and anti-monarchial people in the United States," whom the editor would "be proud to serve at all times."⁴² During the spring while Fenno sputtered in rage at Freneau in the pages

of the Gazette of the United States, a number of leading Federalists from various branches of the government began to take actions designed to stir support from the ranks of the electorate. They postured as non-partisan patriots defending the government and nation from a dangerous "faction" or "party" bent upon subverting the Constitution by denuding the federal government of its power and ability to direct and defend an orderly society.

The Federalist Counterattack

In late May, Alexander Hamilton addressed a lengthy letter to Edward Carrington of Virginia. The letter reads more like a political pamphlet than a personal letter and was probably intended for use as a circular letter. In the letter Hamilton declares that Jefferson heads a party which attacks his fiscal measures and favors closer ties with France at the price of disrupted relations with Britain. Hamilton, by implication, clearly revealed that he himself was a self-conscious leader of the party in control of the administration and, as such, realized that he was the chief target of the opposition that was forming under the leadership of Jefferson and Madison.

He wrote to Carrington for the purpose of revealing himself "on the present state of political parties and views."⁴³ Hamilton affirmed that he had been reluctant to come to his conclusions but stated that during the last session, the first session of the Second Congress,

I became unequivocally convinced of the following truth: That Mr. Madison, cooperating with Mr. Jefferson, is at the head of a faction decidedly hostile to me and my administration; and actuated by views, in my judgement subversive of the principles of good government and dangerous to the Union, peace, and happiness of the country.⁴⁴

Hamilton seemed to be calling Carrington (and others) to open action, for his description of the party situation "was a truth which ought to be told, and well attended to by all the friends of the Union and efficient national government."⁴⁵

Hamilton stated that the primary issue between the parties involved the proper dimensions of governmental power.

[In almost] all the questions, great and small, which have arisen since the First Session of Congress, Mr. Jefferson and Mr. Madison have been found among those who are disposed to narrow the federal authority. The question of a national bank is one example. The question of bounties to the fisheries is another . . . On the militia bill, and in a variety of minor cases, he [Mr. Madison] has leaned to abridging the exercise of federal authority and leaving as much as possible to the states; and he lost no opportunity of sounding the alarm, with great effective solemnity at encroachments, meditated on the right of the States, and of holding up the bugbear of a faction in the government having designs unfriendly to liberty.⁴⁶

In the mind of the opposition, he declared, there "is some dreadful combination against the State government and Republicanism; which according to them, are convertible terms."⁴⁷

While Hamilton did not on paper admit directly that he himself headed what amounted to a political party, he did recognize the charge and answered it. He said, "I am told that serious apprehensions are disseminated in your state as to the existence of a monarchial party meditating the destruction of State and Republican government."⁴⁸ He assured Carrington that there was no shadow of foundation for such a charge. He affirmed his own devotion to republican principles and confessed to a fear that the large states would encroach upon the powers of the national government. He explained that his own solution to the problem created by the conflict between the states and the national government was:

. . . a disposition on my part toward the liberal construction of the powers of the national government, and to erect every fence, to guard it from degradations which is, in my opinion, consistent with constitutional propriety. As to any combination to prostrate the State governments, I disavow and deny it.⁴⁹

There can be no doubt Hamilton and his political associates now saw the political arena as a battleground between two parties locked in mortal conflicts. Hamilton's staunch ally in the House, William Laughton Smith of South Carolina, wrote a campaign booklet entitled Politicks and Views of a Certain Party Displayed in which he labeled Jefferson the "Generalissimo" and Madison the "General" of a "system . . . faction . . . and party . . ."⁵⁰ Smith had considered the reason for the long abuse aimed at certain measures of the federal government and he decided that it was "principally issued from one quarter and confined to one Gazette."⁵¹ Also,

I have discovered the origin, motives, progress and design of the System as wicked, profligate, malevolent as ever disgraced the most corrupt and adandoned government . . . faction . . . A system established to promote private and party purposes and not the public good."⁵²

Smith analyzed the objectives of the Republicans in a manner highly similar to Hamilton.

Washington was so alarmed over the partisan conflict that he appealed to both Hamilton and Jefferson to cease their disruptive activities. Both responded on September 9. Jefferson protested his innocence of exerting leadership in the legislature, writing articles in newspapers, or influencing Freneau in the publication of the Gazette. Although he did a very effective job of arguing his own position, in essence, Jefferson admitted the basic charges made against him by Hamilton, and, when the rhetoric is stripped away, his analysis of the

difference between the two parties being on the matter of the proper limits of government's power is very similar to the analysis made by Hamilton. Jefferson was strong in his denunciation of the Federalists' programs and the constitutional principles from which they were derived. He hit hard at Hamilton's latest proposals:

In a Report on the Subject of Manufacturers (still to be acted on) it was expressly assumed that the general government has a right to exercise all powers which may be for the general welfare. That is to say, all the legitimate powers of government: Since no government has a legitimate right to do what is not for the welfare of the governed . . . Thus the object of these plans taken together is to draw all the powers of government into the hands of the general legislature, to establish means for corrupting a sufficient core in that legislature to provide the honest votes and preponderate, by their own, the scale which suited, and to have that core under the command of the Secretary of the Treasury for the purposes of subverting step by step the principles of the Constitution; which he has so often declared to be a thing of nothing which must be changed.⁵³

It is obvious that both Federalists and Republicans were consciously competing for popular support in a high degree of self-conscious partisanship in 1792. Since partisan conflict had appeared first in the Senate and remained a factor in each session, it is not surprising to find members of the Senate playing key roles in the party campaigns of 1792.

Cresson concluded that the line between Republican and Federalist was definitely marked by then and that Monroe was in close communication with Jefferson and Madison through the summer. His analysis of their correspondence indicated that the "correspondence passing among Jefferson, Madison, and Monroe was almost entirely related to matters of party strategy."⁵⁴ Cresson's contention that Jefferson, Madison, and Monroe were involved in a deliberate party building effort particularly through the period of the Second Congress seems well founded.

The Election of 1792

The Republican leadership focused its main attention on efforts to displace Adams as Vice-President. Governor George Clinton of New York was the agreed upon replacement. But when the Virginians learned that he had won the recent gubernatorial election only by a resort to fraud, Jefferson was obviously shaken. Monroe agreed that the incident was regrettable and condemned Clinton for undesirable character traits, but he smoothed Jefferson by saying that since Clinton was a "center of the Union to the Republican party in that state it may be necessary to support him . . ."⁵⁵ But Monroe firmly refused a request by Aaron Burr that Monroe write a letter approving Clinton's conduct. Yet, when two of Burr's ardent backers in New York, Malancthon Smith and Marinus Willett, wrote to Monroe and Madison trying to persuade them to replace Clinton as the Vice-Presidential candidate with Aaron Burr, Monroe firmly blocked the effort. He argued that a man more advanced in years and of longer standing in public service could be trusted to act in a more decisive way.⁵⁶ Monroe had no doubt been unfavorably impressed by Burr's performance in his maiden session of the Senate.

The war of the partisan newspapers escalated through the summer and fall. The Gazette of the United States mounted a weighty counterattack in July by pointing out the relationship between Jefferson and Freneau. Monroe and Madison published a long series in his defense which helped to establish Monroe as a partisan leader. In the middle of August, Freneau's electioneering began in earnest. Washington the man was praised, but bitter criticism was heaped upon the administration and Vice-President Adams. It became apparent the Republican election

strategy, as reflected in the National Gazette, was to concentrate on removing Adams from the Vice-Presidency and replacing him with Governor Clinton.⁵⁷

Rufus King, an appreciative observer of the significant role played by John Adams as President of the Senate, was quick to detect the Republican strategy. He explained the significance of the move to Alexander Hamilton on September 17. He suspected the move by Clinton, Burr, Jefferson, and others to make Clinton the Vice-President. But he also suspected Burr of angling for it himself. This prospect of division provided their main ground of hope. He warned that if "the enemies of the Government are secret and united we shall lose Mr. Adams."⁵⁸ This loss of the Vice-Presidency would only be the first step in losing the whole administration. King further informed Hamilton that Jefferson and Madison, Burr of New York, and Alexander J. Dallas of Pennsylvania, were organizing the drive to capture the Vice-Presidency.⁵⁹ King was mounting his own personal counterattack and wrote to others in a similar vein. He urged that though "we may be wearied with politicks, and disgusted with politicians," the friends of Adams must act to preserve government and order by checking the maneuvering of the opposition.⁶⁰ King had more than one reason to be happy on February 13. The electors were found to have cast 77 ballots for Adams and only 50 for Clinton.

By mid-December, when it became obvious that Adams had been re-elected, Freneau's National Gazette signaled to the nation that the Republican party would continue its fight against what was thought to be the unrepblican tendencies of those in power. All other tactics had failed and an open attack on Washington himself began on December 12.

An article ascribed to "Mirabeau," and entitled "Forerunners of Monarchy and Aristocracy in the United States," heaped scorn on the "ceremonial distance between the officers of the government and the people."

"Mirabeau" also struck at celebrating the birthdays of "servants of the people."⁶¹ Washington was the unmistakable target of this and many more similar articles during the next three months. This verbal barrage against the official and social demeanor of the President caused Washington to consult the Senate on plans for his second inaugural celebration. Given the Federalist majority there, this was the equivalent of consulting the party leaders. They advised a very restrained observance. This was in contrast with the first observance and probably was a great disappointment to many ardent admirers and party men who had looked forward to another extravagant celebration.⁶² The course chosen by the Senate was, no doubt, the course of wisdom in the face of the determined Republicans.

It seems beyond dispute that during the Second Congress most political actors on the national scene thought and acted from the perspective of a two-party conflict and personally identified with one of the parties. Most Senators, if not all, would have agreed with veteran Congressman Fisher Ames when he advised newly elected Henry Dearborn before the start of the Third Congress that to be successful he "must pick a side and stick to it."⁶³ It is clear that both of the parties were seeking to build support among the national electorate and were in conflict over filling certain national offices. A third truth is also evident. The emerging national parties were struggling to define and establish proper limits of power for the national government. This issue, mingled with strong sectional rivalry, produced the

Senatorial parties that emerged early in the First Congress, and this issue continued to be an important factor in party competition and the major legislative battles through the remaining five Congresses of the Federalist era.

Reapportionment

Following the first census of 1790, the Second Congress set about to reapportion the House of Representatives in keeping with Article I of the Constitution, which specified that representation was to be apportioned according to population and that the number of representatives shall not exceed one for every 30,000. The sharp partisan conflict created by the issue in the Senate is reflected in the average index of polarized cohesion of 74.5 generated in the 20 roll call votes on the subject.

The Republican bloc consisted of all Senators from south of the Mason and Dixon Line plus those of Delaware, Robert Morris, the only Senator from Pennsylvania that session, and Philemon Dickinson of New Jersey. They achieved an average cohesion index of over 97 percent. Aaron Burr divided his votes equally but gave his support to the Federalists on the crucial roll calls. All others supported the Federalists a majority of the time, creating an average Federalist cohesion index of 87 percent. If Morris and Dickinson, who were in reality strong Federalists, had been counted as Federalists in the calculation, the Federalist average would fall close to 75 percent and the Republican index would have risen insignificantly.

Three separate bills were formulated and debated before the problem was resolved. The House first passed a bill that granted every state

one representative for every 30,000 inhabitants. This would have resulted in a House membership of 112. In the Senate, the Federalists first tried to change the formula for determining the total number of representatives by dividing the national population by 30,000 for a total number of 120 members. The eight extra members were to be assigned to those states with the largest "fractions" of population left over after dividing the number of state inhabitants by 30,000. Failing in this effort, they then amended the bill to give one representative to every 33,000 inhabitants in a state. This would have resulted, when the census from South Carolina was completed, in a 105 member House. The House refused to accept these amendments and the bill was lost.

The Senate then formulated a second bill producing a 100 member House on the basis of one representative for every 34,000 in a state. The House of Representatives then framed a compromise bill which utilized the Senate formula until November of 1797 when, on the basis of a census which the bill stipulated should be taken in 1796, the House would be enlarged by a formula giving each state one representative for every 30,000 inhabitants. In the Senate, the Federalists succeeded in stopping the compromise provisions and substituting their old plan for a 120 member House based on the largest fractions. President Washington chose to deliver to this bill his first and only veto on the grounds that it granted eight states representation in excess of the Constitutional standard.

When the House failed to override the President's veto, Congress, without roll calls in either house, quickly passed a third bill establishing a 105 member House on the basis of one representative for every 33,000 inhabitants of the various states.

Republicans voted more consistently than did the Federalists on these issues. Republican ideology called for making the House as large as possible in order to make it more reflective of the people's will and, at the same time, to adhere to their understanding of a strict interpretation of the Constitution. This resulted in championing the ratio of one representative for every 30,000 inhabitants of each state.

The Federalists, in general, were reluctant to increase the representation fearing a rise in the influence of the "licentious" masses. Yet, in this controversy, Federalists were the champions of the larger 120 member House. Political considerations were clearly at work. The Federalist formula for granting eight additional representatives resulted in five of the extra representatives going to states east of the Delaware River: Vermont, New Hampshire, Massachusetts, Connecticut and New Jersey; the other three going to Delaware, North Carolina, and South Carolina. This meant that the predominantly Federalist region would receive three times as many of the additional representatives as would the predominantly Republican areas. Thus, the regionally based parties each had very practical considerations to combine with their ideology. The correspondence of the Virginia Senators illustrate as much, for while the next bill was being debated, they reported to their Governor that they hoped the second bill would terminate "more Constitutionally" than the first, which had been designed to "abridge the representation of the South, and add to that of the North."⁶⁴ After the second bill had been passed, but before it was vetoed, Lee wrote to his kinsman, Henry Lee, that the "plain Constitutional mode" had not been followed. By a "certain Arithmetico political Sophistry an arrangement of 6 to 2 in favor of the North against the

South has been made of the 8 Members gained by this Sophism."⁶⁵ He predicted that this "ingenious Theory may hereafter change when the fractional application shall be found to benefit the South as now it does the North."⁶⁶

The Senators' practical concern of relative state and sectional power produced by the various formulas, seriously affected the Congressional debates. Not only did a state's power change if a representative was gained or lost, but even with the same number of representatives the relative voting power of a state changed according to the total number of representatives. For example, the schemes championed by both parties gave Virginia 21 representatives, but under the Republican plan for a 112 member House, Virginia would have possessed 18.8 percent of the total voting power. But in a 120 member House, championed by the Federalists, her representatives would have possessed only 17.5 percent of the total vote. Fortuitously, most Senators found that state interests and party loyalty coincided, but this was not always so, as in the case of Robert Morris who voted with the Republicans because their plan favored Pennsylvania.

There were instances where party and regional loyalty seemed to triumph over individual state power interest. Both North and South Carolina would have had more representatives in the Congress as well as greater relative power under the Federalist plan than under the plan championed by the Republicans, yet the Senators from those states supported the Republican position cautiously. Georgia and Kentucky fared best of all under the Federalist scheme for a 105 member House, but when the first bill was being considered the Senators from those states voted against the Federalist plan. Connecticut fared best under the

Federalist plan for a 120 member House, but Roger Sherman voted consistently against such a scheme. He, no doubt, did so through the conviction that it was both unconstitutional and unwise. In the Constitutional Convention he had voted against all efforts to increase the representation beyond a total of 65 members and had argued that an even smaller House would be better.⁶⁷ In this case ideology obviously took precedence over the pragmatic partisan struggle.

Ideologically speaking, the Republicans had won a Constitutional battle when Washington vetoed the second bill. But from the standpoint of a regional power struggle, the reapportionment controversy ended in a stalemate. Under the original apportionment, the Southern states, excluding Delaware, had wielded 44.6 percent of the total voting power of the House. And under the new system, they would possess 44.7 percent. If Pennsylvania and Delaware (who voted with the South) are included in the count, there was a decline of total power from 58.5 percent to 58 percent. The states east of the Delaware River won only a slight increase in power with their total rising from 41.5 percent to 41.9 percent. However, from the standpoint of the partisan politics it was a Federalist victory of sorts for it reduced the number of new Congressional seats that many Republicans had counted on winning in all three regions of the country during the upcoming Congressional elections.

The Federalist success in the reapportionment controversy intermingled with new proposals from Alexander Hamilton and touched off a violent ideological assault on the entire fiscal system in 1792.

Hamilton's "Report on the Subject of Manufacturers," delivered to the Second Congress in December, 1791, had recommended that protective duties be laid on foreign manufacturers which the United States could

produce and that bounties be paid to encourage the development of domestic manufacturing. The Federalist-dominated Senate quickly transformed his proposal for bounties into a bill which provided bounties to the New England cod fisheries. This bill reached the House shortly before Hamilton's proposal for an additional assumption of state debts designed to cover the balances remaining in Massachusetts and South Carolina.

The Republicans saw these new measures as additional proof that Hamilton and his allies intended to usurp powers to an extent that threatened the essential liberty of the people. With their hopes reduced for redressing the balance of power in Congress following the census of 1790, they had to find other means of combatting the centralist schemes of the administration party. They resorted to a stepped up public attack on Hamilton and his total fiscal program as part of a deliberate drive to rally public opinion behind their efforts to gain control of the House and the Vice-Presidency in the fall elections.

Foreign Affairs

From the beginning, Britain and France, the rival super powers of Europe, attempted to influence the course of America to their own advantage. After war broke out between them in 1793, each attempted to pressure the United States into being a supportive ally. The young nation was not able to agree on the proper response to the pressures, and the difference of opinion played an important role in the growth and development of the early party system. The proclivity of the Federalists toward commercial relations with Britain was opposed by the Republican's affinity toward France and the French Revolution. For both

parties, there was a vital interdependence between the domestic and foreign policies they supported.

Federalist foreign and domestic policies at the time were supportive of the programs outlined by Alexander Hamilton. Hamilton's foreign and domestic policies were inseparable. He believed that Anglo-American commerce was valuable to Britain and vital to America--and the British were aware of our dependence upon them. Three quarters of the American foreign commerce was with Britain. Ninety percent of American imports came from Britain, and Hamilton planned to finance his new fiscal system with the custom duties collected from this trade, for this was the only significant source of revenue open to the federal government.⁶⁸ England was in a much better position to practice commercial retaliation than America, and Hamilton knew that she would retaliate if Congress elected to pursue that course. Federalists believed that commercial warfare with Britain, even if it did not lead to armed conflict, would destroy the financial system because it would destroy credit, deprive the country's importers, close the bulk of the markets for agricultural goods, and wreck the funding of the assumed debts upon which the fiscal system was based. Hamilton and his friends could foresee the end of the Constitutional experiment if this all took place. Therefore, the Federalists were determined to maintain commercial relations with Britain if at all possible.⁶⁹

If, on the other hand, relations with Britain were not disturbed, Hamilton envisioned the skillful use of protective tariffs to nurture the development of large-scale manufacturing in this country. By avoiding commercial warfare with Britain, Americans could continue to market the bulk of their agricultural surplus in British channels.

Until American industries could supply the domestic needs, Americans could continue to purchase needed manufactured goods through the traditional British suppliers. British credit and capital would still be available. Any foreign policy measures which threatened to result in commercial warfare with Great Britain were strongly reprobated by Hamilton and the Federalists. Thus, Jefferson was not misinterpreting Hamilton when he complained to Senator Monroe late in the First Congress, after he and Madison had both issued calls for discrimination against Britain, that Hamilton's attitude toward Britain was "passive obedience and non-resistance, lest any misunderstanding with them should affect our credit, or the prices of our public paper."⁷⁰

By the Second Congress, Republicans had generally come to adopt the views of Madison and Jefferson on discrimination. Jefferson had expressed devotion to the cause in his report on the fisheries issued in early 1791. Several considerations contributed to the Republican views. As the partisan spirit developed, many Republicans would have favored most any reasonable policy that held promise of wrecking Hamilton's system and unseating the Federalists. Hatred of the British and appreciation of the French carried over from the Revolution made it easy for many to be convinced of alleged fallacies in any foreign policies which seemed to serve British interests. For those who accepted Monroe's interpretation of the inseparability of the American and French Revolutions which he had set forth in the "Aratus" series, it was reason enough to support most any policy designed to aid the French advocates of liberty in their struggle against the Monarchists of Britain.⁷¹ In addition to these factors, Drew R. McCoy has also made a persuasive case for the impact of republican ideology.

McCoy focused attention upon the relation of James Madison's views on commercial discrimination against Britain in view of his total ideological system. It has been generally recognized that Madison was originally a nationalist who envisioned the development of manufacturing in America. McCoy demonstrated that Madison's view of the manufacturing to be developed was considerably different from that envisioned by the Hamiltonians. Madison, in keeping with the republicanism popular in England and America during the Revolution, had a strong commitment to individualism. In his view, genuine independence meant the ability to subsist without the kind of dependence on others that the workers in the industrial centers of England were then experiencing. He believed that American industry should be based upon household manufacturing that could be carried on by single families on their own subsistence farms. This was united with the belief that the agriculture of America constituted necessities which Britain could not afford to do without. Therefore, he did not fear a trade war. If Britain should be foolish enough to start one, America could survive much better than Britain. By freeing herself from the British mercantile system, America would be free to trade with all natural customers. Her agricultural markets would continue to expand. This would hasten the development of the American West. This economy, based on agriculture but producing most of her own manufactured goods, would need little assistance from government. Protective tariffs, bounties and expensive funding programs would be unnecessary. The federal government would remain relatively simple and operate within the confines of the Constitution and would not promote the prosperity of one section or class at the expense of others. Madison favored foreign policy, therefore, was an

integral part of his domestic program and a part of a "system" which flowed from his variety of republican ideology.⁷²

Jefferson's proposals and efforts in the State Department seem to have been the administrative counterpart to the legislative proposals set forth by Madison in the House. Jefferson, and probably most Republicans, shared the general views of Madison.

The Spanish control of the Mississippi was another factor entering into Hamilton's choice of friendship over Britain in preference to that of France. Hamilton said the single largest problem facing America was not lack of British commercial treaties or British occupation of the Northwestern posts, but the Spanish control of New Orleans cutting off the flow of American trade in the West to the Mississippi. And, as Hamilton saw it, friendship with Great Britain put greater pressure upon Spain to grant commercial rights to America on the Mississippi than would friendship with France. In fact, he saw an alliance with France as actually an impedance to acquisition of Louisiana.⁷³

The full impact of the French Revolution on American politics was not felt until the outbreak of the general war in Europe of 1793. The French war with Austria and Prussia had made little difference to Americans, but when France declared war on Great Britain, Spain, and the Netherlands on February 3, 1793, the impact was great for the war now involved the great maritime and colonial powers of the world. This within itself would have created problems for the United States as a young maritime nation. Both sides in the European struggle coveted American commerce to the exclusion of their adversaries. Britain had great naval superiority over France, but Washington's desire to pursue a policy of neutrality was further complicated by the existence of two

treaties between the United States and France. The Franco-American Treaty of Alliance of 1778 bound the United States to defend France's West India possessions, and the Franco-American Treaty of Amity and Commerce of 1778 allowed France to bring captured ships and prizes into American ports. At the same time, the enemies of France were denied this right and forbidden to arm or take on provisions in American ports. Obviously these treaties compromised the American pretense of neutrality.

Richard Buel's study of public opinion led him to the conclusion that an even more serious obstacle to neutrality was the public opinion in America, for their own revolutionary experience had made most Americans very sympathetic toward France and extremely hostile to Great Britain. Most Americans did not remember that France had threatened to sacrifice American independence during the peace negotiations of 1782, but looked upon her as the faithful ally whose navy had supported Washington at Yorktown. At the same time, the Anglophobia created during the Revolution had been maintained by Great Britain's refusal fully to execute the peace treaty. So the French attack on Britain in February of 1793, seemed to most Americans to be an extension of the struggle which had begun with the American Revolution.⁷⁴

In spite of public opinion and the treaties with France, Washington was determined to follow a course of neutrality. Accordingly, on April 22, he issued what is now known as the Neutrality Proclamation in which he urged Americans to pursue a course of impartiality and friendliness toward both belligerent powers. He went on to say that he had given instructions for the courts to prosecute anyone who violated the law of nations in respect to any of the powers at war. This brought heavy public censure on Washington from the friends of France who were ready

to rush into war with Great Britain. Not surprisingly, Jefferson was one who challenged privately the constitutionality and expediency of the Proclamation. Jefferson believed that it was beyond the power of the President to declare that there would be no war. He thought this an infringement of the rights of Congress to decide the questions of war and peace. He also thought it highly unwise to proclaim the neutrality that would be understood as a renunciation of our treaties with France. Even though Jefferson succeeded in getting the word "neutrality" stricken from the Proclamation, the Proclamation still allowed the public to assume the administration would abrogate the alliance in order to maintain peace with Britain.⁷⁵

Jefferson was far from happy even though he accepted the Proclamation publicly. He wrote a number of letters to friends in which he complained of being outnumbered in the cabinet. On May 13, 1793, he wrote to James Madison that things are going on in the same spirit, the cabinet is meeting almost every day on the question of neutrality and "Anglophobia has seized violently on three members of our council."⁷⁶ Everything was depending on the opinion of a single person--Washington--and that "single person" was the most indecisive one he ever had to do business with. "He always contrives to agree in principle with one but in conclusion with the other."⁷⁷ He observed pessimistically that:

Anglophobia, secret anti-gallomany, a federalisme outrée, and the present ease in his circumstances not usual, have decided the complexion of our dispositions and our proceedings toward the conspirators of human liberty, and the asserters of it, which is unjustifiable in principle, in interest, and in respect to the wishes of our constituents.⁷⁸

He thought the events were polarizing the electorate and bringing them to support one or the other of the two parties.

The early stir over the constitutionality of the Neutrality Proclamation became a permanent part of the struggle between leaders of the two parties as the journalistic debate between Hamilton and Jefferson took place. Hamilton wrote under the pseudonym of "Pacificus." Installments of the series ran twice a week in the Gazette of the United States from June 29 through July 20, 1793. Jefferson prompted Madison to reply, and his series, as "Helvidius," ran in the National Gazette from August 24 through September 18, 1793. Their debate centered around the respective powers of the executive and the Congress under the constitution.

"Pacificus" defined the powers of the President as broadly as possible. He saw no limits beyond those expressly stated in the Constitution. The initiative in foreign relations lay with the executive, not the Congress. He had the power to proclaim neutrality and to declare treaties void. This did not obligate the Congress to back all actions of the President, but he argued that it should demand proper weight be given to his deeds. "Helvidius" denied the "extraordinary doctrine" that the powers of making war and treaties were executive in nature. Congress had the initiative in foreign affairs since it was Congress alone that had the power to declare war. The principles advanced by "Pacificus" struck "at the very vital of the [the nations] Constitution, as well as its honor and true interests."⁷⁹ As usual, the Republican charged that the ideas advanced by "Pacificus" about Presidential powers were derived from the British monarchical model, especially those relating to the declaring of war and making treaties.⁸⁰

Hence, the question of the proper limits of power as applied to the executive branch which had arisen early in the First Congress came to

the fore of the debate over foreign policy. It was an issue that remained prominent throughout the decade and was usually connected in some manner to most of the great controversies in the Senate.

The general subservience of foreign policy to domestic politics as well as a cardinal role for ideology was demonstrated by the reluctance of the Republicans to agree with the Federalists on war preparations when a war with Britain seemed inevitable during the early part of 1794. Both the French and British navies made it their practice in early 1793 to capture American ships bound for enemy territory. But in the summer of 1793, France made a bid for increased American trade with the West Indies by opening up the French West Indies to unrestricted trade. This concerned the British very much and in November secret orders were issued by the British Council directing British Men of War to seize all American ships and cargos containing either colonial goods or provisions and supplies destined to the French colonies. The secrecy of the order allowed the British fleet to capture upward of 350 American merchant men by the end of the year. Outrage swept America and the Congress as they learned of this latest British maneuver.

As the first session of the Third Congress got underway, James Madison renewed Republican efforts for commercial retaliation on the British by introducing a number of resolutions into the House: higher tonnage taxes on ships of countries having no commercial treaty with the United States, port restrictions on the shipping of nations whose ports discriminated against American vessels.⁸¹ Federalists did not want war, but they feared that such measures coupled with a lack of military strength would invite war. Consequently, King and others began to join a growing demand for defense measures. King advocated stronger harbor

defenses, the fitting out of stout frigates, the raising of an army, and the levying of extra taxes. He believed that America could protect her maritime rights only from a position of strength.⁸²

Knowing Britain was preparing for war, King and his colleagues in the Senate wanted to try negotiations with Britain at the same time they prepared for war. On March 10, Ellsworth, Cabot and Strong met with King in his home and all agreed that Ellsworth should go to the President with a number of suggestions: calm the public, adopt vigorous defensive measures, appoint a special agent to the West Indies to assess American losses and assist aggrieved merchants and seamen, and send a special envoy to England to negotiate an adjustment of differences between the two countries. He was to suggest either Hamilton or John Jay. Ellsworth named Hamilton to the President who was doubtful that Hamilton was the man for the job due to the broad public opposition to him. King persuaded Robert Morris to back the mission to England, and, when Washington called on him for advice, he supported the idea enthusiastically.⁸³

Jay at first refused the mission, but after a visit from Ellsworth, King, Cabot, Strong and Hamilton, he agreed to accept the appointment. The Senate confirmed the appointment on April 20 by a vote of 18 to 8. The day after his confirmation, Jay met with Hamilton, King, Ellsworth and Cabot to discuss his mission. They agreed that the President need not consult the Senate in drafting Jay's instructions and that any treaty Jay secured should be signed subject to the Senate's ratification. They then reviewed all the points of dispute with him.⁸⁴ A few days later, Jay urged King to accompany him on the mission, but King refused due to the slim Federalist majority in the Senate.⁸⁵

In the meantime, by a joint resolution on March 26, Congress placed a 30-day embargo on all exports and renewed it for another 30 days at the time of its expiration. Many Federalists as well as the Republicans recognized the danger of war with Britain, but Republican efforts were not calculated to soothe troubled waters at that time. On April 7, Abraham Clark, a Republican of New Jersey, introduced a resolution into the House calling for the stopping of all commercial intercourse with Great Britain and Ireland.

After the House passed the Clark resolution on April 25, Washington immediately sent to the Senate the nomination of John Jay as Envoy Extraordinary to Great Britain. Following the confirmation of Jay, the Senate took up the matter of the embargo and cessation of all commercial intercourse with Great Britain and in a straight party line vote (three Federalists and one Republican were absent) the Senate deadlocked with Vice-President Adams casting a vote against the Resolution. The Federalists had felt that it was a total mistake to cut off trade with Great Britain at the time that John Jay was being sent to London to negotiate a peaceful settlement of all American and British differences and argued that what the United States needed to do was build up its national defenses in order to negotiate with the British from a position of strength.⁸⁶ The Federalists' plan called for the development of a navy, the bolstering of the coastal and harbor defenses of the seaboard, and the creation of a 15,000 man army if the President thought an invasion was threatened. Surprisingly enough, the Republicans were suspicious of the Federalists' desires to arm for a potential conflict with Great Britain. In spite of the traditional militarism of the Southerners and their eagerness to force an economic showdown with Great

Britain, they vehemently opposed every effort to strengthen the defenses of the nation. When it became known that Alexander Hamilton would probably command the new army, Monroe and other Republicans hardened their resolve to resist the creation of a 15,000 man army.⁸⁷ The House Republicans skillfully substituted a provision for calling a force of 80,000 milita men for 15,000 provisional army. Monroe explained the Republican willingness to accept this because it allowed them to claim credit for supporting defense measures, yet it avoided placing military power in the hands of the "British party."⁸⁸

On March 13, the roll call approving the final passage of the Defense of the Ports and Harbors Bill found the Federalists and Republicans perfectly opposed. John Adams cast the deciding vote in favor of this bill. This type behavior should not be taken as an indication that the Republicans wished the military defeat of their country by either France or Britain, but they were reluctant to see a military machine placed in the hands of their Federalist enemies who controlled the government at that time.

During the entire session, nine out of ten roll-call votes on foreign affairs were party unity votes in which Federalists obtained an average relative party unity index of 92 percent, while the Republicans obtained a unity index of 91 percent. On the questions pertaining to military matters in response to the European crisis, six out of seven votes were party unity votes in which the Federalists obtained a party unity level of 93 percent against a Republican average of 84 percent. Thus, it is obvious that strong polarization on foreign policy matters predates the struggle over the ratification of the Jay Treaty.

The Third Congress opened in the midst of partisan bitterness. There was a significant increase in the number of Republicans in the House, and the Senate was more closely balanced than at any other time. Sixteen voted as Federalists and 14 voted as Republicans. Absences sometimes allowed the Senate to divide evenly in straight party-line voting. Partisanship was evident as the Federalists expelled Albert Gallatin, a naturalized Frenchman and staunch Republican, on a highly questionable technicality. Rufus King managed the Federalist effort against him and Aaron Burr, assisted by Monroe and John Taylor of Virginia, managed his defense. One Republican, Hawkins of North Carolina, voted against him. Republicans, under Monroe's leadership, soon avenged themselves by securing the rejection of Kensey Johns, newly appointed Federalist of Delaware, on a more substantial technicality. The voting patterns reveal that both cases were prompted mainly by partisanship.

The Jay Treaty, contrary to the argument of some historians, was not responsible for the beginning of legislative parties within the Senate. Washington called for a special Third Session of the Senate in June, 1795. Seven of the 30 Senators assembled were new to the Senate that session. Of the seven new Senators, only Paine of Vermont voted contrary to the partisan alignment of his predecessor in the previous session of Congress. His predecessor, Bradley, had voted in the Second Congress with the Federalists but in the first two sessions of the Third Congress had voted solidly with the core of the Republican party.

Among the 13 members of the Senate who had previous experience in that body, only one, Gunn of Georgia, deviated from his previous

alignment. Gunn had been in the Senate from the first session on and had voted with the Republicans a majority of the time, but he voted with the Federalists on the treaty. Thereafter, Gunn's party identity was not stable.

One other Senator, Livermore of New Hampshire, voted solidly for the treaty. He had, in the second session of Congress, voted in slight favor of the Republicans, but he had voted solidly with the Federalists core in the first session of the Third Congress. He had voted with the Federalists on previous foreign policy issues, and his votes on the treaty are in harmony with the general pattern that he had established in the beginning. But again, he was one of the few Senators who continued to oscillate between parties. In the first session of the Fourth Congress he voted with the Federalists a vast majority of the time but reverted to the lower levels of the Republican party for two sessions before returning to the Federalist side of the Senate for the next four sessions.

The party identity of the other new Senators in no way contrasted with the voting patterns of their predecessors. In summary it can be said that beginning with the third session of the Third Congress, the Federalists gained one Senate seat in Vermont and picked up vital temporary support from Humphrey Marshall of Kentucky and Gunn of Georgia. Even though the Southern Senators, in general, tended to vehemently oppose the treaty as prejudicial to the interests of the South, it may well be that both Gunn and Marshall saw in the treaty the best chance of pressuring Spain into making concessions regarding the navigation of the Mississippi River.

Even when French reactions to the Jay Treaty led to an undeclared naval war between the United States and France during the Fifth and Sixth Congresses, Republicans in the Senate continued to give almost total opposition to efforts to reduce diplomatic or commercial relations with France and consistently opposed measures for military preparation that were proposed by the Federalist administration. The proclivities of both parties in matters relating to foreign affairs remained very constant throughout the Federalist era. Out of 129 roll calls relating to foreign relations and national defense in the Third through the Sixth Congress, 111 were party unity votes. Of those dealing with foreign policy, Federalists attained an average party unity index of 93 percent while the Republicans achieved an average unity index of 90 percent. On the question of proper military response to the European problems, the Federalists maintained an average unity index of 91 percent against a Republican average of 87 percent.

Western Lands and Protection of the Frontier

Issues over the administration of the western lands arose in every Congress and created partisan conflict in every Congress except the First. Of the 35 roll calls on this general topic, 27 were party unit votes in which the Federalists achieved a mean index of relative party unity of 84 percent while the Republicans achieved a unity index of 85 percent.

In the regulation of Indian affairs, a definite pattern emerged. The Republicans tended to work for a minimum of restrictions on the white man with less protection for the Indians. The Federalists, on the

other hand, favored more protection and the guarantee of rights to the Indians along with more restrictions on soldiers and others dealing with the Indians. In the second session of the Second Congress, 78 percent of the Republicans opted for licensing "any" person as a trader with the Indians to the Federalist preference for "proper" persons. Nearly half of the votes in this category were spent on admission of Tennessee in the Fourth Congress. The Republicans consistently supported efforts designed to hasten the Tennessee admission and to maximize their representation in the Congress. Of the Republicans who favored statehood for Tennessee and the organization of the territory of Mississippi, 76 percent of them opposed accepting the Western Reserve of Connecticut in both the Fifth and Sixth Congresses.

Out of 21 roll calls relating to the policing of the western frontier, only 11 were party unity votes. Six of the 10 non-partisan votes occurred in the First Congress. In the Third Congress, a high level of partisanship was demonstrated. There was agreement between the two parties on raising a federalized militia of 10,000 men in the Southern states to protect the south-western territory. Both parties also rejected the proposal to raise soldiers' pay \$1.00 a month but here the general agreement stopped. Republicans opposed the President's being the one authorized to augment rations for the army. The Federalists sought to increase the length of federalized service from six months to three years but were opposed by two-thirds of the Republicans. The Republicans also opposed the Federalist measure to subject to the rules and articles of war any armed man south of the Ohio River on Indian territory outside the jurisdiction of the United States, a move obviously designed to prevent the feared Southern

provocation of Indian conflict. During the first session of the Third Congress, when voting on issues not directly reflecting an attitude of militarism, the Federalists scored an average unity index of 89 percent against a 73 percent index for the Republicans.

In the next session of the Congress, however, conflict over frontier affairs increased significantly when Federalists achieved a 97 percent average index and the Republican average unity index rose to 85 percent. But, here again, the issues were not militarism as such but the element of centralized power and state interest. On the matter of payment to the federal militia, 89 percent of the Republicans favored amending the bill to provide for federal reimbursement to the states for any salary that might be paid to men in the federalized militia. Ninety-three percent of the Federalists opposed this matter. The same percentage of the Republicans opposed the final passage bill. Federalists achieved total unanimity in demanding that militia men be subject to the same punishment for violations of regulations as the regular troops, while 80 percent of the Republicans opposed this measure. Also, all Federalists supported protecting the Indians from unauthorized attack and violence against their property, while 78 percent of the Republicans opposed such safe guards for Indian possessions.

Alien and Sedition Laws

The ratification of the Jay Treaty in the summer of 1795 averted what had shortly before seemed an inevitable war between the United States and Great Britain. It did, on the other hand, drive a wedge between the United States and England's arch foe, France. France saw the treaty as a renunciation of her treaties with the United States and

in retaliation France began an aggressive campaign against the American merchant shipping that far eclipsed the British degradations of 1793 and soon broke diplomatic relations with the United States. A special session of the Congress was called in the spring of 1797, the first session of the Fifth Congress.

The situation worsened as the Congress and the nation heard that the American peace commissioners had been improperly treated by the French, and French victories over the English seemed to make the invasion of Great Britain imminent. Americans also learned of French efforts to regain Louisiana. A great expectation of war spread over the country and Congress passed several defense measures rapidly in the early part of the second session. President Adams suddenly became one of the most popular men in America and the defense measures, designed and passed by the Federalists in Congress, seemed to receive the enthusiastic support of the American people.

Some Republican newspapers and many Republicans in the Congress continued to give dogged resistance to the defense efforts. They denounced the building of a navy and the military expansion as efforts to build up the ability to wage aggressive war, strengthen the North over the South, exalt the executive over the legislature. Republican leaders doubted that war would come except by action on the part of the United States. But if an invasion did come, all that was needed, according to the Republicans, was a small regular army assisted by a large outpouring of the militia. American farmers would rise in mass and drive the invaders out and return immediately to their homes. The nation would be spared the pains and dangers of large standing armies which gave too much patronage and powers of oppression and aggression

to the executive.⁸⁹ This resistance of the Republican leadership enraged many Federalists, especially in the Congress.

Many Federalists in the Senate and House thought the great swelling of patriotism and unprecedented support of the Federalist party provided an opportunity for silencing their critics and virtually proscribing the Republican party. They devised the Alien and Sedition Laws, ostensibly as war measures, but basically three of the four laws were designed to immobilize and retard the Republican party. Ultimately they came to have a reverse effect.

The first of the two alien bills authored by the House of Representatives was the Naturalization Act. This act changed the requirement of probationary residence from five to 14 years for all aliens wishing to become citizens and required them to secure certificates which proved they were in compliance with the general requirements of the act.⁹⁰ The law's political aim was to cut the growth of the Republican party as the bulk of the thousands of aliens who became citizens each year were believed to become ardent Republicans. The bill met little opposition in the Senate and passed by a vote of 13 to 8. One Federalist north of New York voted against it, and one Republican, Martin of North Carolina, voted for it.

The alien bill authored by the House, the Act Respecting Alien Enemies often referred to as the Alien Enemies Act, was in its final form a genuine bi-partisan war time measure. It provided that in case of war or threatened invasion, the President was authorized to seize, secure or remove from the country all resident aliens who were citizens of the enemy country. It passed the Senate without a roll-call vote and was signed by the President on July 6. However, in as much as there

was only one enemy in view, many Republicans over the country objected strenuously.⁹¹ But, in general, it came to be accepted and remains a part of the federal law today.

The two bills authored by the Senate were far more sinister in their political application than was the anti-Republican Naturalization Act. As the Senate Federalists saw that the alien bill before the House was being stripped of its partisan character, they moved to correct the situation. On April 25, Senator Hillhouse of Connecticut proposed that a committee be formed to study the need for legislation to control dangerous aliens and made no reference to it as a war-time measure. The following day, a committee composed of all Federalists was formed: Livermore of New Hampshire, Hillhouse of Connecticut, Read of Delaware, Sedgwick of Massachusetts, and Laurance of New York.

While they admitted the need for a war-time aliens bill, they reasoned that a general bill, not restricted to periods of declared wars, was needed. Some argued that the Directory of France might choose to not declare war and yet get their aliens to stir up rebellion. Therefore, the wartime alien act was thought to be insufficient. The more weighty reason for the Federalists was that the House bill was limited to the restricting of the activity of alien enemies alone. As a Republican Congressman debating in the House suggested, the Federalists were more concerned with moving against alien friends, particularly the Irish, than they were the French aliens. Therefore, the Act Concerning Aliens (often called the Alien Friends Act) gave to the President power to depart at any time in peace or war, all aliens suspected by the President to be engaged in subversive activities. There was no requirement that the suspicion be proved, no remedy for mistreatment. Every

alien resident was required to register. Ship captains bringing in immigrants were required to report to the Office of Customs a list of all aliens brought in, specifying their names and ages and places of origin and other information. The Senate passed it by a vote of 16 to 7. The only Republican voting for it was Martin of North Carolina. It was clearly a bill by the Federalists for the Federalists.

The reactions and correspondence of leading Federalists outside the halls of Congress furnish clear evidence that the alien measures were intended primarily to gain an advantage in the partisan political struggle going on within the country. For example, Uriah Tracy, a Federalist Senator from Connecticut, wrote to the Secretary of the Treasury on his observations made through a recent trip through Pennsylvania. "I have seen many many many, very many Irishmen, and with a very few exceptions, they are United Irishmen, Free Nations, and the most God-provoking Democrats on this side of Hell."⁹²

In the summer of 1798, Rufus King, former Senator of New York and now Minister to Great Britain, succeeded in preventing Britain from further banishing Irish political prisoners to the United States. In a letter to Henry Jackson, King observed that the problem with the Irish immigrants had been that they parade themselves on the side of the Republicans.⁹³ Senator William Bingham, a Federalist from Pennsylvania, expressed the same general view in a letter to King at the end of the year in which he said that the Irish,

. . . will join the party in opposition to the Government, & will vent their Resentments against Great Britain by attacking those disposed to be on friendly Terms with her. They will be discontented & therefore disorganizing Characters, whose Residence amongst us cannot be otherwise than injurious, in the present Moment of political agitation.⁹⁴

The Sedition bill styled, "An Act for the Punishment of Certain Crimes," like the Alien Friends Act, was passed during the peak of war hysteria, but its basic design was to proscribe the Republican party in either war or peace. Its original author was Senator James Lloyd, an arch-Federalist, of Maryland. In Lloyd's original version which he submitted to the Senate, the death penalty was assigned to anyone found guilty of adhering to or giving aid and comfort to either the people or the government of France. The section was removed by the Senate, but the bill remained highly rancorous to Republicans.

As the original bill left the Senate it defined sedition as an attempt to defame or weaken the government and laws of the United States by inflammatory declarations or expressions tending to induce a belief of the citizens that the government enacting a law was induced to do so by motives hostile to the Constitution and liberties and happiness of the people. Thus, it was designed to put an end to Constitutional questions that Republican types had raised from the First Congress. That they did not intend to follow the narrowest possible definitions of their own legislation was evident from the general tone of the bill. It further outlawed any person attempting to justify the hostile conduct of the French government toward the United States and attempts to defame the President or any other federal officials by declarations directly or indirectly tending to incriminate their motive in any official transaction.

The bill was moderated some by the House of Representatives, but in its final form its key provisions were still highly objectionable to the Republican opposition which felt itself exceedingly vulnerable to charges under the law. For example, Section I provided among other

things:

If any person or persons, with intent shall counsel, advise or attempt to procure any insurrection, rioting, unlawful assembly, or combination, whether such conspiracy, threatening, council, advice, or attempt shall have a proposed effect or not, he or they shall be deemed guilty of a high disdeamenor . . .⁹⁵

Section II of the Act prohibited "any person" from criticizing acts of officials of the government or giving any encouragement to any foreign nation that had hostile designs:

And be it further enacted, That if any person shall write, print, letter or publish, or shall cause or procure to be written, printed, lettered or published, or shall knowingly and willingly assist or aid in writing, printing, lettering or publishing any thoughts, scandalous and malicious writing or writings against the government of the United States, or the President of the United States, with intent to defame the same government, or either House of the said Congress, or the said President or bring them, or either of them into contempt, or disrepute; or to excite against them, or any of them, the hatred of the good people of the United States, or to stir up sedition within the United States, or to excite any unlawful combinations therein . . . to resist, oppose or defeat any such law or act, or to aid, encourage or abet any hostile designs of any foreign nation against the United States . . . Shall be punished by a fine not exceeding \$2,000, and by imprisonment not exceeding two years.⁹⁶

The above quoted provisions were broad and sweeping in their nature and capable of being applied to the correspondence and conversations of members of the Congress and the Cabinet as well as against newspaper editors and other citizens. Interestingly enough, the bill did not protect Vice-President Jefferson from such criticisms. Another strong indication of the political nature of the bill was contained in its final section appended by the House of Representatives which stated that the Act would remain

. . . in force until the third day of March, one thousand eight hundred and one, and no longer; Providing, that the expiration of the Act shall not prevent or defeat a

prosecution and punishment of any offense against the law, during the time it shall be in force.⁹⁷

Therefore, the bill was not designed to cover a period of international crisis but to cover the specific period of the remainder of the Adams' administration.

The Federalists of the Senate and the House had finally shown their fear and contempt for "excessive" democracy in a very concrete way. By intimidating individual leaders and muzzling the press, the only public media of the day, they were intending to make the opposition party politically impotent. For a time it seemed that they might succeed, for most newspapers in the country had only kind words for the Sedition Act which had muzzled them. However, powerful voices of discontent were soon raised over the country, and as the Federalists inadvertently demonstrated that they were guilty of Republican charges a public revulsion gradually set in.

In November and December of 1798 the legislature of Kentucky and Virginia each adopted a set of Resolutions that had been secretly authored by Jefferson and Monroe respectively. These Resolutions objected that the Alien and Sedition Acts were fully unconstitutional. The Congress had exceeded its enumerated powers, and it had clearly flaunted the First Amendment in making laws which abridged freedom of speech and freedom of the press. The Kentucky Resolutions declared the laws unconstitutional and called upon other state legislatures to do likewise. Copies were officially mailed to other legislatures. The Aurora guaranteed their further distribution by publishing the full text. The Virginia legislature sent a copy of its Resolution to each of the state legislatures and ordered 5,000 printed for distribution

within each of the counties of Virginia. The Resolutions gave the whole nation notice that the Republicans meant to resist these latest legislative extensions of executive power, viewing them as instruments of domestic oppression rather than war-time defense measures.

The Federalist Abuse of Power

As the Sixth Congress got fully under way in early 1800, a deadlock in the Pennsylvania legislature over the method of selecting Presidential electors prompted Senator Ross of Pennsylvania to introduce a bill into the Senate for deciding disputed Presidential elections. His bill called for placing all such disputes that might arise in any state into the hands of a special committee that would be composed of an equal number of members from each House of Congress, plus a chairman named by the Senate. This committee would decide on the validity of all disputed electoral votes. Republicans were quick to see that the bill would allow the Federalists to dictate the outcome of the final election. By disputing votes in states where they were not likely to win, Federalists could allow the committee an opportunity to disqualify enough votes to throw the election into the House of Representatives. There, with the Representatives voting by states, the Federalists would thus have a clear majority, and would be able to name a Federalist President regardless of the will of the people.

The bill ran into trouble in the House due to the fact that John Marshall and other Southern Federalists refused to give the committee power to do more than make recommendations. The Federalists of the Senate were intransigent and the bill was ultimately lost at the end of the session.⁹⁸ But even more negative in its influence than this

aborted attempt to legislate Federalist success, was the Senate's attempt to punish William Duane, editor of the Aurora, for publishing the text of the bill while it was still in the hands of the special committee and before it was discussed publicly on the floor of the Senate.

After the demise of the National Gazette, the Aurora has become the leading Republican newspaper. Benjamin Bache, its former editor, had been indicted for sedition under the Sedition Act, but had died of yellow fever in September before his trial could be held. Duane was, therefore, the editor whom the Federalists most wished to silence.⁹⁹ When Duane published the report of the bill for deciding disputed Presidential elections and other objectionable material on February 19, the Federalists were so anxious to bring him to trial that they decided to circumvent the time-consuming procedures of the judicial system and bring him to a speedy trial before the Senate itself. Accordingly, a "Committee of Privilege," consisting of four Federalists and one Republican was appointed on February 16. The committee soon found that Duane was guilty of a "breach of privilege of the Senate" and recommended that he be indicted and brought to trial. On March 18, the Senate, by a vote of 18 to 10, condemned the article of February 19 as "false, defamatory, scandalous, and malicious" and tending to defame the Senate and bring it into disrepute. The following day it agreed that "said publication is a high breach of the privileges of this House."¹⁰⁰ It was agreed that Duane be ordered to appear before the "bar of this House" on March 24. By a series of evasions, Duane and his attorneys frustrated the Senate's efforts to bring him to trial. Duane defiantly published the documents relating to the affair in the Aurora. On

March 2 the Senate declared that Duane was guilty of contempt and ordered all "Marshals, deputy Marshals, and civil officers of the United States and every other person" to assist in the arrest of Duane."¹⁰¹ He continued to evade arrest while keeping the inflammatory Aurora on schedule. Finally at the end of the session, the Senate passed a resolution calling on the President of the United States to instruct proper officers to proceed in his prosecution under the Sedition Act.¹⁰²

The Sedition Act had been passed in a period of war hysteria, but the chances of wars had lessened and the tide of opinion was turning against the Act when the proceedings against Duane were initiated. Only three days before the Committee of Privilege was formed, an effort in the House of Representatives to repeal the Sedition Act had failed by only two votes. The effort of the Federalists seems now to have been an act of both arrogance and desperation that was designed to still the leading Republican editor and intimidate the lesser publishers in order to prevent the further spread of discontent as the highly crucial national elections of 1800 drew near.

In each major legislative battle of the first Six Congresses, there was always at least one dimension of the dispute which related to the conflict over the proper limits of power in a republic. In every dispute, the Federalists championed the extension of the power and scope of the national government, and usually the extension of power came through the enlargement of the powers and responsibilities of the executive branch. The Republicans consistently charged their opponents with secretly attempting to establish a monied aristocracy that would undergrid, and at the same time, be served by a monarchy. The gradual expansion of the executive branch was always seen as a part of the

design to convert the office of the President into that of a monarch. The Republicans always opposed the extensions of power as unconstitutional. Therefore, the conflicts over the Alien and Sedition Acts were extensions of the conflict which had polarized the Senate since the First Congress. The attempts at passing the election reform bill and prosecuting William Duane seemed to give substance to the Republican charges against the Federalists, and played an important part in the loss of public confidence by the Federalists in 1800.

FOOTNOTES

¹Thomas Jefferson to George Mason, February 4, 1791, in Julian Boyd, ed., The Papers of Thomas Jefferson (Princeton, 1971), Vol. XIX, p. 242.

²Ibid.

³Ibid.

⁴Thomas Jefferson to Robert R. Livingston, February 4, 1791, Ibid., pp. 240-241.

⁵Ibid.

⁶Thomas Jefferson to James Innes, March 13, 1791, Ibid., pp. 542-543.

⁷Ibid.

⁸Ibid.

⁹Ibid.

¹⁰William Stephen Smith to Lord Greenville, undated but received by Greenville on April 15, 1791, Ibid., Vol. XXXIV, p. xviii.

¹¹Dumas Malone argues that it was a non-political tour. See Malone, Jefferson and His Time (Boston, 1951), Vol. II, pp. 359-363.

¹²Robert Troup to Alexander Hamilton, June 15, 1791, Ibid., p. 362.

¹³This view is advanced by James Thomas Flexner, Washington: The Indispensable Man (Boston, 1974), p. 259.

¹⁴Boyd, Vol. XIX, p. 376.

¹⁵Malone, Vol. II, p. 361.

¹⁶Harry Ammon, James Monroe: The Quest for National Identity (New York, 1971), p. 85.

¹⁷Ibid.

¹⁸These letters are quoted in W. P. Cresson, James Monroe (Chapel Hill, 1946), p. 112.

¹⁹Ibid.

²⁰James Monroe to Thomas Jefferson, June 17, 1791, quoted in Ammon, p. 86.

²¹Ibid.

²²Ibid.

²³Ibid.

²⁴Thomas Jefferson to James Monroe, July 10, 1791, in Malone, Vol. II, p. 391.

²⁵Ammon, p. 89.

²⁶Douglas Southall Freeman, George Washington, a Biography (New York, 1954), Vol. VI, pp. 403-404.

²⁷A fuller review of these articles is contained in Ammon, pp. 87-88.

²⁸Ibid., p. 88.

²⁹Ibid., p. 88.

³⁰National Gazette, January 23, 1792, quoted in Stuart Gerry Brown, The First Republicans, Political Philosophy and Public Policy in the Party of Jefferson and Madison (Syracuse, 1954), p. 63.

³¹Freeman, Vol. VI, p. 405.

³²National Gazette, March 1, 1792, in Freeman, Vol. VI, p. 405.

³³National Gazette, March 15, 1792, March 26, 1792, April 5, 1792, April 9, 1792, in Freeman, Vol. VI, p. 405.

³⁴Ibid.

³⁵Ibid.

³⁶Ibid.

³⁷Ibid.

³⁸Ibid., also in Malone, Vol. II, p. 436.

³⁹Freeman, Vol. VI, p. 405.

⁴⁰National Gazette, May 31, 1792, Ibid.

- 41 Freeman, Vol. VI, p. 406.
- 42 National Gazette, June 21, 1792, Ibid., p. 407.
- 43 Alexander Hamilton to Edward Carrington, May 26, 1792, in Harold C. Syrette, ed., The Papers of Alexander Hamilton (New York, 1966), Vol. XI, pp. 426-444.
- 44 Ibid.
- 45 Ibid.
- 46 Ibid.
- 47 Ibid.
- 49 Ibid.
- 50 [William Lawton Smith], Politicks and Views of a Certain Party Displayed, 1792 (Evans, Early American Reprints, No. 248012).
- 51 Ibid.
- 52 Ibid.
- 53 Thomas Jefferson to George Washington, September 9, 1792, in Arthur M. Schlesinger, Jr., History of U. S. Political Parties: Vol. I (New York, 1973), pp. 275-283.
- 54 Cresson, pp. 110-118.
- 55 Ammon, p. 92.
- 56 Cresson, pp. 110-118; Ammon, pp. 92, 96-97. Ammon cites the relevant correspondence in his footnotes 47 through 51.
- 57 Freeman, Vol. VI, p. 406.
- 58 Rufus King to Alexander Hamilton, September 17, 1792, quoted in Robert Ernst, Rufus King, an American Federalist (Chapel Hill, 1968), pp. 179-180.
- 59 Ibid.
- 60 Rufus King to Jeremiah Wodsworth, September 23, 1792, Ibid., p. 180.
- 61 Gazette of the United States, December 12, 1792, in Freeman, Vol. VI, p. 412.
- 62 James Thomas Flexner, George Washington and the New Nation (1783-1793), (Boston, 1969), Vol. III, p. 275.

⁶³ Timothy Pickering to Henry Dearborn, August 1, 1798, in Manning J. Dauer, The Adams Federalists (Baltimore, 1953), pp. 33-34.

⁶⁴ Richard Henry Lee and James Monroe to the Governor of Virginia, January 21, 1792; Richard Henry Lee to Henry Lee, March 23, 1792, in James Curtis Ballagh, ed., The Letters of Richard Henry Lee (New York 1914), Vol. II, pp. 545-547.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Charles C. Tansill, ed., Documents Illustrative of the Formation of the Union of the American States (Washington, 1927), p. 349.

⁶⁸ Samuel Eliot Morrison, The Oxford History of the American People (New York, 1972), Vol. II, p. 51.

⁶⁹ Ibid.

⁷⁰ Thomas Jefferson to James Monroe, April 17, 1791, in Richard Buel, Jr., Securing the Revolution: Ideology in American Politics, 1789-1815 (Ithaca, 1972), p. 33.

⁷¹ See pages 192 and 193 of this chapter.

⁷² Drew R. McCoy, "Republicanism and American Foreign Policy: James Madison and the Political Economy of Commercial Discrimination, 1789 to 1794," William and Mary Quarterly, 3rd Ser., Vol. XXI (October, 1974), pp. 633-646.

⁷³ Buel, pp. 33-34.

⁷⁴ Ibid., p. 40.

⁷⁵ Ibid., p. 43.

⁷⁶ Thomas Jefferson to James Madison, May 13, 1793, in Willson Whitman, ed., Jefferson's Letters (Eau Claire, n.d.), pp. 161-162.

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Malone, Vol. III, pp. 110-112.

⁸⁰ Ibid.

⁸¹ Irving Brant, James Madison: The Father of the Constitution, 1778-1800 (New York, 1950), Vol. III, p. 389.

- ⁸²Rufus King to Christopher Gore, March 10, 1794, in Ernst, p. 197.
- ⁸³Ibid., p. 198.
- ⁸⁴Ibid., p. 199.
- ⁸⁵John Jay to Rufus King, April 29, 1794; Rufus King to John Jay, May 2, 1794; Ibid.
- ⁸⁶John C. Miller, The Federalist Era, 1789-1801 (New York, 1960), p. 150.
- ⁸⁷James Monroe to James Madison, March 7, 1794, in Ammon, p. 109.
- ⁸⁸James Monroe, April 30, 1794, Ibid.
- ⁸⁹John C. Miller, Crisis in Freedom, the Alien and Sedition Acts (Boston, 1951), pp. 36-37.
- ⁹⁰An analysis of the Act and the story of its passage is found in Chapter 3 of James Morton Smith, Freedom's Fetters, the Alien and Sedition Laws and American Civil Liberties (Ithaca, 1956).
- ⁹¹Miller, Crisis, pp. 47-50.
- ⁹²Uriah Tracy to Oliver Wolcott, August 7, 1800, in Smith, p. 24.
- ⁹³Rufus King to Henry Jackson, August 28, 1800, Ibid., p. 25.
- ⁹⁴William Bingham to Rufus King, November 8, 1798, Ibid.
- ⁹⁵Annals of Congress: The Debates and Proceedings of the Congress of the United States (Washington, 1834).
- ⁹⁶Ibid.
- ⁹⁷Ibid.
- ⁹⁸Theodore Sedgwick to Rufus King, May 11, 1800, in Buel, p. 210.
- ⁹⁹Malone, Vol. III, p. 464.
- ¹⁰⁰Ibid.
- ¹⁰¹Ibid.
- ¹⁰²In addition to the Annals of Congress, James Morton Smith has given an excellent review of the proceedings in Freedom's Fetters, pp. 288-306.

CHAPTER VI

CONCLUSION

As the new government under the Constitution took shape during the early sessions of Congress, the Senate proved to be something both less and more than many thought the Constitution prescribed. In the process of "fleshing out" the Constitution, the friends of a powerful national government led by a strong executive had secured for the President the power to remove the appointive heads of the executive departments from office without securing the approval of the Senate. This was a bitter disappointment for those who feared a strong executive, and the decision had a great and lasting impact of primary importance. If the Senate had been granted either the full removal power, or the more limited right to approve or reject a President's request for removal, the executive departments would have in the last analysis been answerable to the Senate and a system similar to that of the British would have resulted. This early expansion of executive powers at such an expense of the Senate was a surprise to many for the general belief was that each branch of government would seek to enhance its own power at the expense of the other branches of government. This willing grant of power caused many such as Senator Maclay immediately to decide that the Senators who had helped to gain the full removal power of the President were in a conspiracy to expand the Presidency into an elective monarchy.

The Senate also proved to be more powerful in some ways than had been anticipated by many. During the first session the precedent for "Senatorial courtesy" was established when the Senate refused to confirm a well qualified appointee to a federal post in Georgia because the two Georgia Senators had another man in mind. Thus, the practice was started whereby the President must clear appointees to federal positions within a state with the Senators of that state, or else risk having the Senate reject his nomination. This proved an unexpected advantage to the Senate, and quickly became an adjunct to the party system, as only Senators from the President's own party were given the privileges of "vetoing" a nomination.

Another precedent which developed in the First Congress diminished the role of the Senate in a vital area. Even though treaties were to be made by the President with the "advice and consent" of the Senate, Washington largely abandoned seeking prior advice and consent after the first session of Congress. The phrase came to mean little more than either granting or withholding approval after the treaties were drawn up. In a similar way, Washington's sending troops to frontiers and issuing a Neutrality Proclamation without consultation seemed to reduce the role of the Senate in foreign affairs even more.

Those who had expected the Senate to rise above "local interests" and think "nationally" had reason for a measure of disappointment when fiscal matters and the location of the capital were being dealt with. However, even here, on both issues, there was a sense in which the various interests of the total nation had been debated and a workable balance being created. Also, in both instances, both parties were working to further their hopes and plans for the nation's future.

One of the primary purposes of the Senate was the protection of states' rights and interests. Each state would be equal to all others. Yet in practice, the Senate was the stronghold of those who wished to strengthen the national government at the expense of the states. This anomaly derived from the fact that the Senate was also designed to protect the interests of property owners. As John Adams had written in his Sixth Letter of "The Right Constitution of Commonwealth England" the rich, therefore, "ought to have an effectual barrier in the Constitution against being robbed, plundered, and murdered, as well as the poor; and this can never be without an independent Senate."¹ At the Constitutional Convention, Elbridge Gerry argued for the election of Senators by the state legislatures by saying that "the great mercantile interest and [that] of stockholders, is not provided for in any mode of election--they will however be better represented if the State legislatures choose the second branch."² By allowing the state legislatures to pick the Senators, the Constitution thus guaranteed that the politically dominant economic interest of a state would most likely cause the selection of men who could be trusted to represent their interests. In the case of some states with strong rival interests, a compromise might allow one Senator to represent one interest and the other a second concern. Examples can be seen in the case of South Carolina after the middle of the Second Congress when one seat was occupied by a Federalist and the other by a Republican. In other instances, as with Pennsylvania after the rejection of William Maclay, both Senators represented the mercantile and financial interests even though the state had a heavy agrarian element in the economy. As in the case with most states, their delegation in the House, where the members were elected by the people, the delegates were usually

divided between the parties and represented divergent economic interests. But with the exceptions of South Carolina and New Hampshire from the Third Congress onward, and New York from the Second through the Fourth Congress, the legislatures usually sent men from the same party who maintained very similar voting records. This resulted in the Senators from below the Potomac supporting the agrarian interests, and resisting the expansion of the powers of the national government. The Northern majority supported measures that advanced the commercial, financial, and shipping interests. This is not to say that the Senators were largely politico-economic prostitutes, but the economic forces were real and they were strong, and they helped to polarize the Senate.

The Senate had been designed to guard the nation against the "excesses" of democracy. John Randolph argued at the Constitutional Convention that the Senate should be kept smaller than the House in order that it might be a more effective check on the House and keep up "the balance, and to restrain, if possible, the fury of democracy."³ Madison wanted Senators elected for much longer terms than the Representatives, in order to put a "check on the democracy--it cannot therefore be made too strong."⁴ As Madison, Jay and Hamilton argued the case in The Federalists Papers they reasoned that the Senate would be filled up by men who were among the best informed, most experienced, and most wise, men who by virtue of character, background, and long tenure in the Senate, would be able to correct mistakes made by the House where less experience and shorter terms would prevail. Too, the House would be more easily influenced by the sudden passions of the people, whereas the Senate would be resistant to the sudden, temporary, and unwise currents of popular opinion.⁵ But John Adams stated it most colorfully when he

said that a Senate would be found "the patron and guardian of liberty on many occasions, when the giddy, thoughtless multitude, and even their representatives neglect, forget, or even insult it."⁶

The Senate often did check the House. A major example was the Senate's repeated refusals to pass retaliatory navigation laws against Britain. They always stood as a potential check against laws that would destroy the rights of property, such as laws that would impair contracts. But whether it stood as guardian against the excesses of democracy, or a deterrent to the growth of democracy, depends upon the viewpoint of the observer. In the Fifth Congress, the House acted as a brake upon the anti-democratic excesses of the Senate when it tempered the Alien Friends and Sedition Bills before allowing them to become law, and in those instances the senate was exploiting the public backlash from the XYZ incident. In the Sixth Congress the House again blocked a Senate measure which threatened to remove the Presidential election from the will of the people. Both instances are examples of efforts by the aristocratic branch to alter the constitution illegally being checked by the democratic branch. In these instances, the system of checks and balances prevented attempted seizures of power in the manner envisioned by traditional republican ideology.

The Senate played a vital role in developing one major element in the political system which ran completely counter to republican ideology--the development of the two-party system of government. The two-party system emerged first within the Senate. In the early period the parties were groups held together by ideology and geopolitical influences. But these were powerful determinants of behavior that produced more cohesiveness in voting patterns than is characteristic

of more structured parties of the later and modern times. The legislative parties emerged in the Senate during the first session. By the time the second session was underway, Hamilton was emerging as an important leader of the group within the Senate who favored a strong central government and the use of the government to promote the mercantile and fiscal interest of the country. He was an important link between them and those of the House who shared similar views, and were supporting the fiscal plans championed by Hamilton. At the same time, Madison of the House and Jefferson of the State Department were working to integrate and orchestrate the opposition forces of the Senate and the House. Thus, by the second session, both Senatorial parties had become working parts that can best be described as parties within the government. Most Senators were behaving as dependable partisans but partisanship within the House may not have claimed the allegiance of a majority of the membership for some time. When the party loyalty scores were computed by Congress (the method which produces the lowest loyalty indexes for the First Congress) it was found that over two-thirds (69 percent) of the Senators had supported their party from 67 to 100 percent of the time. In the Second Congress, the 94 percent met this measure of partisan loyalty. The level dropped to 90, 84, and 90 percent in the Third, Fourth and Fifth Congresses respectively. In the Sixth Congress, 95 percent supported their party at this level.

While the Senate was the staging ground for both parties, the Federalists were in the majority from the first. The Federalists were in a position to dictate the outcome of any question on which they retained a high level of unity. This is demonstrated by the fact that the Federalists won 83 percent of all party unity roll-call votes

(exclusive of the votes on the residence in the second session of the First Congress when the voting alliances were most unique, and straight statistical analysis is highly misleading) in the First through the Sixth Congress. In certain categories of issues, the Federalist showing was even stronger. On foreign policy (not including defense measures) Federalists won on 87 percent of the roll calls, and on matters of national defense their views triumphed 93 percent of the time. When all military matters pertaining to defense of the Western frontiers and responses to the European war are combined, the Federalist party triumphs fell to 91 percent. On non-military items pertaining to the frontier, the Republicans were able to win 23 percent of the votes. On procedural matters they won 28 percent of the time. On votes pertaining to the fiscal system and policies, Federalists won 80 percent of the time, but on the spending of money, the Republicans gained their highest success ratio of 41 percent--one point more than they scored on the reapportionment struggle. Federalists dominated the committees which made the reports and recommendations on new legislation. Therefore, most items before the Senate were of Federalist design. Republican initiatives were mostly efforts to defeat, delay, or amend Federalist proposals. From the viewpoint of the Senate, the first 12 years under the Constitution were indeed the Federalist era.

Why did the parties emerge so quickly when all the leading political figures seemed to denounce parties as being subversive to republican government and the Constitution? Part of the answer lies in the fact that the nation was already polarized at the time the Constitution was secured and each spokesman was consciously or unconsciously trying to prevent the organizations and advancement of those ideologies and

programs which were opposed to his own. Jackson Turner Main's study of partisanship in the states during the Confederation revealed that two different strains of political thought tended to divide each state legislature into two legislative parties which he labeled the Parochialists and the Cosmopolitans. He also argued that the general public tended to fall into one or the other of the two persuasions. Many Localists saw parties as a vehicle for opposition to entrenched authority and the continuance of democratic society. Main thought the dominant core of the commercial-Cosmopolitans became "High" Federalists under the Constitution, and that the agrarian-Parochialists became dominant core Republicans.

James Henderson's study of the politics of the Continental Congress revealed a history of legislative parties. The earlier partisanship was tri-polar, but by the end of the Confederation era there was a strong tendency for the delegates from the middle states to divide their votes between the Eastern and Southern dominated blocs. Regardless of the issues, the Southern and Eastern delegates were in conflict during the Confederation. This was a reflection of regional tensions which the Constitution in no way mitigated. Thus, it seems logical that the regionally based partisanship grew out of the same causes which provoked the partisanship of the Confederation.

Ideology obviously played an important role in early American political life. There was a dichotomy of thought regarding the nature and values of the American Revolution as Richard Buel emphasized. Some viewed the Revolution as primarily designed to win independence from the King and Parliament of Britain, with American institutions and life remaining basically unaltered. This meant a continuation of republican

government with the real leadership provided by the elite of the country. The divergent view holding that the Revolution had been fought to free Americans of aristocratic dominance from all quarters. This differing view led to a division between those who wished a strong central government and those who wanted government to be as dispersed as possible and subject to local control. The adoption of the Constitution did not eliminate the conflicts between the centralists and localists. It did call for a central government with power to enforce its decrees upon individual citizens, but it was deliberately vague and open to differing interpretations of vital interest to those interested in either limiting or extending national power. Congress had to decide between the two views as it fleshed out the Constitution in the First Congress.

Lance Banning has suggested that the rapid emergence of parties was partly prompted by a view that was common to both the centralists and the localists. Both groups supported republican ideology and the Constitution after the new government began to function. The form of ideology to which most all subscribed held that powerful forces would work to "corrupt" any republican constitutional system in any nation. Those who favored a strong central government dominated by elites feared that the "democratic" element would subvert the Constitution and deprive them of their rights and property. The "democratic" element feared the political and economic elites of the country would "corrupt" the Constitution by instituting an aristocracy and extending the executive into a defacto monarchy. With both elements on the alert against "corruption" of the Constitution the partisan spirit and activities are very plausible.⁷

Republican ideology also tended to develop two competitive visions of the American future as exemplified by the agrarian nationalism of Madison, and the commercially oriented nationalism of Hamilton. Since all were aware of the task of fleshing out the Constitution and the importance of precedents to be established in the infancy of the country, adherents of the two conflicting theories went to work to secure their purposes and immediate partisan conflict was the result. In every major issue that confronted the nation in the Federalist era, this ideological divergence entered into the considerations. It was not always the controlling or precipitating cause, but it was always there. The debates in Congress and the party rhetoric outside of Congress seem to substantiate this beyond dispute.

Partisanship engulfed the Senate before it did the House for a number of reasons. The growing rivalry between the North and South was only intensified by the creation of a strong government that could no longer be ignored if its decisions were not agreeable. In the same way divergent economic forces of the country had a vital interest in determining who and what principles guided the new government. Since the Senators were really the representatives of the predominant economic interests of their states, and since the predominant interest of the South was agriculture and the politically dominant interests of most middle and Eastern states were those of finance and commerce, it was inevitable that sectional oriented conflict would soon arise. The immediacy of the development aided by the fact that two-thirds of the Senators who served in the First Congress were veterans of the Continental Congress, already conversant with how their state interests intermeshed with those of other states, and accustomed to Congressional

politics. Furthermore, the problems of finance, protecting and developing the West, locating the nation's capital, and dealing with the European nations were already problems on which they had fixed opinions. The ideological and geopolitical forces which impelled the nation into a two-party system of government came into sharp conflict within the Senate. On the other hand, the House, made up of men selected by the people, and in some states selected by districts, did not have the same set of experiences and concerns. Therefore, some time passed before the majority of the House became consistent partisans.

The Senate not only played a vital part in the development of the two-party system, but by its firm adherence to Federalist principles it helped to set the nation on a course that determined much of its later history. By agreeing to a Potomac residence for the capital on artificial weight was added to the weaker of the competing regions, this helped to ensure the continuing sectional conflict. But even more, by throwing its weight behind the programs of the government which was perceived as favoring the economic interests of the North the regional conflicts were intensified and extended into the future. On the other hand, by protecting national credit and solvency, and by keeping American and British trade relations in tact, they helped to pave the way for America's growth and modernization.

FOOTNOTES

¹John Adams, "The Right Constitution of a Commonwealth Examined, The Sixth Letter," in Charles A. Beard, The Economic Origins of Jeffersonian Democracy (New York, 1918), pp. 310-311.

²From notes taken at the Constitutional Convention by Robert Yates. In Charles C. Tansill, ed., Documents Illustrative of the Formation of the Union of the American States (Washington, D. C., 1927), p. 757.

³From notes taken at the Constitutional Convention by Major William Pierce, *Ibid.*, p. 57.

⁴From notes taken at the Constitutional Convention by Robert Yates, *Ibid.*, p. 767.

⁵The Federalist Papers, Nos. 62-66, 75-77.

⁶John Adams, "The Constitution of a Commonwealth Examined," in Beard, The Economic Origins of Jeffersonian Democracy, pp. 310-311.

⁷Lance Banning, "Republican Ideology and the Triumph of the Constitution, 1789 to 1793," William and Mary Quarterly, 3rd Ser., Vol. XXI (April, 1974), pp. 167-188.

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APPENDIXES

APPENDIX A

HISTOGRAMS DEPICTING LEVELS OF OPPOSITION
TO THE FEDERALIST BLOC DERIVED FROM
CUMULATIVE SCALING, FIRST THROUGH
THE SIXTH CONGRESS, BY SESSION

Not classified due to absences:

Elmer
Few
Langdon

Not classified due to errors:

Strong
Wingate

Ellswo. CO

Patter NJ

Morris PA

Basset DE

Read DE

King NY

Schuy1 NY

Dalton MA

Johnso CO

Izard SC

Carrol MD

Henry MD

Gunn GA

Grayso VA

Mac1ay PA

Lee VA

Butler SC

0-10%

11-20%

21-30%

31-40%

41-50%

51-60%

61-70%

71-80%

81-90%

91-100%

Figure 2. Levels of Opposition to the Federalists Bloc Derived from Cumulative Scaling,
First Congress, First Session

Not classified due to absences:
Ellsworth

Johnso CO									
King NY									
Schuy1 NY								Langdo NH	
Johnst NC								Wingat NH	
Izard SC								Elmer NJ	
Butler SC								Carrol MD	Morris PA
Few GA			Patter NJ					Henry MD	Maclay PA
Stanto RI			Dalton MA			Gunn GA		Walker VA	Basset DE
Foster RI			Strong MA			Hawkin NC		Lee VA	Read DE
0-10%	11-20%	21-30%	31-40%	41-50%	51-60%	61-70%	71-80%	81-90%	91-100%

Figure 3. Levels of Opposition to the Federalists Bloc Derived from Cumulative Scaling,
First Congress, Second Session, Universe I

*Had excessive errors, but ranking
believed to be justified

Johnso CO									Maclay PA
King NY									Basset DE
Schuyt NY						*Wingat NH		Elmer NJ	Henry MD
Patter NJ						*Johnst NC		Langdo NH	Lee VA
Strong MA						Butler SC		Morris PA	Walker VA
Dalton MA						*Izard SC		Read DE	Hawkin NC
Foster RI	Stanto RI					Few GA		Carrol MD	Gunn GA
0-10%	11-20%	21-30%	31-40%	41-50%	51-60%	61-70%	71-80%	81-90%	91-100%

Figure 4. Levels of Opposition to the Federalists Bloc Derived from Cumulative Scaling,
First Congress, Second Session, Universe II

*Excessive errors but ranking
believed justified

Langdo NH									Foster RI
Dalton MA									Stanto RI
King NY									Macaly PA
Schuy1 NY									Henry MD
Morris PA									Lee VA
Elmer NJ			Ellswo CO						*Walker VA
Patter NJ			Johnso CO						Hawkin NC
Basset DE	Strong MA		Read DE						Johnst NC
Butler SC	Izard SC		Carrol MD					Few GA.	Gunn GA
0-10%	11-20%	21-30%	31-40%	41-50%	51-60%	61-70%	71-80%	81-90%	91-100%

Figure 5. Levels of Opposition to the Federalists Bloc Derived from Cumulative Scaling,
First Congress, Second Session, Universe III

Wingat NH									
Johnso CO									
Ellswo CO									
Strong MA									
Dalton MA									Carrol MD
Foster RI									Henry MD
Stanto RI									Lee VA
King NY									Monroe VA
Maclay PA		Langdo NH							Hawkin NC
Elmer NJ		Morris NY							Butler SC
Dickin NJ		Schuy1 NY						Johnst NC	Izard SC
Basset DE		Read DE						Gunn GA	Few GA
0-10%	11-20%	21-30%	31-40%	41-50%	51-60%	61-70%	71-80%	81-90%	91-100%

Figure 6. Levels of Opposition to the Federalists Bloc Derived from Cumulative Scaling,
First Congress, Third Session

Not classified due to errors:

Burr

King

Bradle VT

Robins VT

Wingat NH

Langdo NH

Sherma NH

Ellswo CO

Cabot MA

Strong MA

Stanto RI

Foster RI Ruther NJ

Basset DE

Read DE

Morris PA Carrol MD

Dickin NJ Lee VA

Henry MD Monroe VA

Izard SC Hawkin NC

Few GA Johnst NC

Gunn GA Butler SC

0-10%

11-20%

21-30%

31-40%

41-50%

51-60%

61-70%

71-80%

81-90%

91-100%

Figure 7. Levels of Opposition to the Federalists Bloc Derived from Cumulative Scaling,
Second Congress, First Session

Robins	VT								
Wingat	NH								
Langdo	NH								
Ellswo	CO								
Sherma	CO								
Cabot	MA								
Strong	MA								Burr NY
Stanto	RI								Potts MD
Foster	RI								Edward KY
King	NY	Bradle	VT						Brown KY
Basset	DE	Morris	PA						Taylor VA
Read	DE	Dickin	NJ						Butler SC
Henry	MD	Ruther	NJ					Monroe VA	Gunn GA
Johnst	NC	Izard	SC					Hawkin NC	Few GA
0-10%	11-20%	21-30%	31-40%	41-50%	51-60%	61-70%	71-80%	81-90%	91-100%

Figure 8. Levels of Opposition to the Federalists Bloc Derived from Cumulative Scaling,
Second Congress, Second Session

*Excessive absences but when present
party identification is clear

Liverm NH									
Mitche CO									
Ellswo CO									
Strong MA									
Cabot MA								Bradle VT	
Bradfo*RI								Robins VT	
King NY								Langdo NH	
Morris PA								Gallat*PA	Burr NY
Vining DE								Ross* PA	Edward NY
Frelin NJ	Foster RI							Brown KKY	Monroe VA
Ruther NJ	Potts MD							Butler SC	Hawkin NC
Izard SC	Henry* MD							Gunn GA	Jacks GA
									Martin NC
0-10%	11-20%	21-30%	31-40%	41-50%	51-60%	61-70%	71-80%	81-90%	91-100%

Figure 9. Levels of Opposition to the Federalists Bloc Derived from Cumulative Scaling,
Third Congress, First Session

Not classified due to absences:
Latimer, Henry, Tazewell, Gunn

Mitche CO									Robins VT
Ellswo CO									Bradle VT
Cabot MA									Liverm NH
Strong MA		Foster RI	Morris PA						Langdo NH
Bradfo RI		Morris PA	Vinnin DE						Burr NY
King NY	Ross PA	Hawkin NC	Potts MD						Brown KY
Frelin NJ	Ruther NJ	Izard SC	Edward KY			Martin NC			Jackso GA
0-10%	11-20%	21-30%	31-40%	41-50%	51-60%	61-70%	71-80%	81-90%	91-100%

Figure 10. Levels of Opposition to the Federalists Bloc Derived from Cumulative Scaling,
Third Congress, Second Session

Not classified due to absences:
Henry--8 absences

Liverm NH									
Ellswo CO									
Trumba CO									
Cabot MA									
Strong MA									
Bradfo RI									
Foster RI									
King NY									Robins VT
Bingha PA									Langdo NH
Ross PA									Burr NY
Latime DE									Brown KY
Frelin NJ									Mason VA
Ruther NJ									Tazewe VA
Vinnin DE									Martin NC
Potts MD									Bloodw NC
Read SC									Butler SC
Gunn GA	Paine VT			Marsha KY					Jackso GA
0-10%	11-20%	21-30%	31-40%	41-50%	51-60%	61-70%	71-80%	81-90%	91-100%

Figure 11. Levels of Opposition to the Federalists Bloc Derived from Cumulative Scaling,
Third Congress, Third Session

Not classified due to absences:									
Mason									
Ellsworth									
Paine									
Frelinghuysen									
Vining									
Walton									
Liverm NH									
Trumbu CO									
Strong MA									
Cabot MA									
Bradfo RI									
Foster RI									
King NY								Robins VT	
Ross PA								Langdo NH	
Bingha PA								Burr NY	
Ruther NJ								Brown KY	
Latime DE							Henry MD	Tazewe VA	
Potts MD							Marsha KY	Bloodw NC	
Read SC	Gunn GA					Tatnal GA	Martin NC	Butler SC	
0-10%	11-20%	21-30%	31-40%	41-50%	51-60%	61-70%	71-80%	81-90%	91-100%

Figure 12. Levels of Opposition to the Federalists Bloc Derived from Cumulative Scaling,
Fourth Congress, First Session

Not classified due to absences:
Hunter

Tichen VT										
Paine VT										
Hillho CO										
Sedgwi MA										Langdo NH
Goodhu MA										Burr NY
Lawren NY										Brown KY
Bingha PA										Cocke TE
Ross PA										Blount TE
Stockt NJ										Mason VA
Ruther NJ	Tracy CO							Henry MD		Tazewe VA
Latime DE	Vining DE				Bradfo RI			Howard MD		Bloodw NC
Read SC	Marsha KY	Foster RI			Liverm NH			Tatnal GA	Gunn GA	Martin NC
0-10%	11-20%	21-30%	31-40%	41-50%	51-60%	61-70%	71-80%	81-90%	91-100%	

Figure 13. Levels of Opposition to the Federalists Bloc Derived from Cumulative Scaling,
Fourth Congress, Second Session

Not classified due to absences:

Henry
Marshall
Gunn

Tracy	CO									
Goodhu	MA									
Sedgwi	MA									Langdo NH
Lauren	NY									Brown KY
Bingha	PA									Cocke TE
Ross	PA									Blount TE
Stockt	NJ	Tichen	VT							Tazewe VA
Ruther	NJ	Paine	VT							Mason VA
Latime	DE	Hillho	CO							Martin NC
Howard	MD	Bradfo	RI							Bloodw NC
Read	SC	Vining	DE		Foster RI	Liverm NH		Hunter SC		Tatnal GA
0-10%	11-20%	21-30%	31-40%	41-50%	51-60%	61-70%	71-80%	81-90%	91-100%	

Figure 14. Levels of Opposition to the Federalists Bloc Derived from Cumulative Scaling,
Fifth Congress, First Session

Chipma VT

Paine VT

Tracy CO

Hillho CO

Goodhu MA

Sedgwi MA

Greene RI

Foster RI

Ross PA

Stockt NJ

Clayto DE Hobart NY*

Latime DE Lauren NY

Lloyd MD Bingha PA Liverm NH

Read SC Howard MD Hunter SC

*Hobart was absent slightly in excess of 50 percent of the time, but when present voted as indicated. Gunn was absent over 50 percent of the time and when present divided his votes equally.

This histogram was constructed from the first roll calls. After these votes the alien and sedition bill were debated and many Republicans went home to campaign. Scaling these highly polarized would have increased the levels of conflict on the scale.

Marsha KY

Jackso TE

Anders TE

Mason VA

Martin NC

Langdo NH Tazewe VA

Tattna GA

Brown KY Bloodw NC

0-10%

11-20%

21-30%

31-40%

41-50%

51-60%

61-70%

71-80%

81-90%

91-100%

Figure 15. Levels of Opposition to the Federalists Bloc Derived from Cumulative Scaling, Fifth Congress, Second Session

Paine VT

Hillho CO

Tracy CO

Goodhu MA

Sedgwi MA

Watson NY

Bingha PA

Davenp NJ Liverm NH

Foster RI

Stockt NJ Ross PA

Greene RI

Latime DE Wells DE Chipma VT

Davenp NJ

Not classified due to absences:
Laurence

*Pinckney, SC, absent one vote over 50
percent but voted solidly Republican;
scaled at the zero level.

Langdo NH

Brown KY

Anders TE

S.Maso VA

Bloodw NC

Martin NC

Marsha KY

*Pinckn SC

Gunn GA

Read SC Tattna GA

0-10%

11-20%

21-30%

31-40%

41-50%

51-60%

61-70%

71-80%

81-90%

91-100%

Figure 16. Levels of Opposition to the Federalists Bloc Derived from Cumulative Scaling,
Fifth Congress, Third Session

Chipma VT

Tracy CO

Dexter MA

Greene RI

Watson NY*

Lawren NY

Ross PA

Dayton NJ

Shuren NJ Paine VT

Latime DE Liverm NH

Wells DE Hillho CO

Lloyd MD Goodhu MA

Howard MD* Foster RI Morris NY*

Read SC Bingha PA Gunn GA

*Indicates men were absent during a long period of the session, but when present voted solidly with the Federalists.

Langdo NH

Brown KY

Cocke TE

Mason VA

Nichol VA

Bloodw SC

Pinckn SC

Marsha KY Anders TE Frankl NC Baldwi GA

0-10%

11-20%

21-30%

31-40%

41-50%

51-60%

61-70%

71-80%

81-90%

91-100%

Figure 17. Levels of Opposition to the Federalists Bloc Derived from Cumulative Scaling,
Sixth Congress, First Session

Gunn was absent over 50 percent of the time, but when present voted solidly with the Federalists.									
Paine VT	Not classified due to absence: Pinckney								
Chipma VT	Not classified due to errors: Livermore								
Tracy CO	D. Foster								
J.Maso MA	Hillhouse								
G.Morr NY	Marshall								
Bingha PA	Langdo NH								
Ross PA	Brown KY								
Wells DE	Anders TE								
Latime DE	Cocke TE								
Hindma MD Schure NJ	S.Maso MA								
Howard MD Dayton NJ	Nichol VA								
Read SC Gunn* GA	Bloodw NC								
Greene RI	Frankl NC								
Armstr NY T.Fost RI	Baldwi GA								
0-10%	11-20%	21-30%	31-40%	41-50%	51-60%	61-70%	71-80%	81-90%	91-100%

Figure 18. Levels of Opposition to the Federalists Bloc Derived from Cumulative Scaling,
Sixth Congress, Second Session

APPENDIX B

HISTOGRAMS DEPICTING LEVELS OF PARTY SUPPORT
DERIVED FROM PARTY LOYALTY INDEXES ON
PARTY UNITY ROLL CALLS, FIRST
THROUGH THE SIXTH CONGRESS,
BY SESSIONS

Ellswo CO									
Strong MA									
King NY						Henry MD		Langdo NH	
Schuyll NY	Dalton MA		Johnso CO			Carrol MD		Butler SC	
Morris PA	Basset DE		Patter NJ			Izard SC		Lee VA	
Elmer NJ	Read DE		Wingat NH			Gunn GA	Maclay PA	Grayso VA	
100-91%	90-81%	80-71%	70-61%	60-51%	51-60%	61-70%	71-80%	81-90%	91-100%
		Federalist					Republican		

Figure 19. Levels of Party Support Derived from Party Loyalty Indexes on Party Unity Roll Calls, First Congress, First Session

	Wingat NH								Carrol MD	
	Strong MA								Lee VA	
Ellswo CO	Foster RI								Hawkin NC	
Johnso CO	King NY				Langdo NH				Henry MD	Butler SC
Dalton MA	Elmer NJ	Stanto RI				Morris PA		Johnst NC		Izard SC
Basset DE	Maclay PA	Dickin NJ	Schuy1 NY	Read DE					Gunn GA	Few GA
100-91%	90-81%	80-71%	70-61%	60-51%	51-60%	61-70%	71-80%	81-90%	91-100%	
Federalist					Republican					

Figure 21. Levels of Party Support Derived from Party Loyalty Indexes on Party Unity Roll Calls, First Congress, Third Session

									Henry MD
Robins VT									Monroe VA
Bradle VT	Foster RI		Sherma CO				Morris PA		Johnst NC
Ellswo CO	Wingat NH		Stanto RI				Dickin PA		Hawkin NC
Cabot MA	Ruther NJ		King NY				Carrol MD	Lee VA	Butler SC
Langdo NH	Strong MA	Basset DE	Read DE	Burr NY			Izard SC	Few GA	Gunn GA
100-91%	90-81%	80-71%	70-61%	60-51%	51-60%	61-70%	71-80%	81-90%	91-100%
		Federalists					Republicans		

Figure 22. Levels of Party Support Derived from Party Loyalty Indexes on Party Unity Roll Calls, Second Congress, First Session

Langdo	NH								
Cabot	MA								
Ruther	NJ	Robins	VT						
King	NY	Wingat	NH						
Ellswo	CO	Strong	MA	Morris	PA			Dickin	NJ Potts MD
Sherma	CO	Dickin	NJ	Henry	MD			Monroe	VA Edward KY
Foster	RI	Basset	DE	Johnst	NC			Brown	KY Butler SC Taylor VA
Stanto	RI	Read	DE	Izard	SC	Bradle	VT	Hawkin	NE Gunn GA Few GA
100-91%	90-81%	80-71%	70-61%	60-51%	51-60%	61-70%	71-80%	81-90%	91-100%
		Federalist					Republican		

Figure 23. Levels of Party Support Derived from Party Loyalty Indexes on Party Unity Roll Calls, Second Congress, Second Session

Ellswo CO									
Mitche CO									
Cabot MA								Bradle VT	Robins VT
Strong MA	Liverm NH							Gallat PA	Burr NY
Bradfo RI	Foster RI							Ross PA	Edward KY
Morris PA	King NY							Brown KY	Monroe VA
Ruther NJ	Frelin NJ					Hawkin NE		Butler SC	Taylor VA
Izard SC	Vininn DE	Potts MD	Henry MD			Gunn GA	Langdo NH	Jakcso GA	Martin NC
100-91%	90-81%	80-71%	70-61%	60-51%	51-60%	61-70%	71-80%	81-90%	91-100%
		Federalist					Republican		

Figure 24. Levels of Party Support Derived from Party Loyalty Indexes on Party Unity Roll Calls, Third Congress, First Session

Ellswo CO						Morris PA						
Cabot MA	Mitche CO		Ross PA		Burr NY							
Bradfo RI	Strong MA	Vinnin DE	Tazewe VA									
King NY	Frelin NJ	Foster RI	Edward KY	*Henry MD	Liverm NH	Bradle VT	Robins VT	Gunn GA				
Latime DE	Ruther NJ	Izard SC	Hawkin NC	*Potts MD	Langdo NH	Martin NC	Vrown KY	Jackso GA				
<hr/>												
100-91%	90-81%	80-71% Federalist	70-61%	60-51%	51-60%	61-70%	71-80%	81-90%	91-100%			
Republican												

285

Liverm NH									
Ellswo CO									
Trumbu CO									
Cabot MMA									
Strong MA									
Bradfo RI									
Foster RI									
King NY									Robins VT
Ross PA									Langdo NH
Bingha PA									Burr NY
Frelin NJ									Brown KY
Ruther NJ									Tazewe VA
Latime DE									Mason VA
Henry MD	Paine VT								Martin NC
Potts MD	Vinnin DE								Bloodw NC
Gunn GA	Read SC			Marsha KY					Butler SC
100-91%	90-81%	80-71%	70-61%	60-51%	51-60%	61-70%	71-80%	81-90%	91-100%
		Federalist					Republican		

Figure 26. Levels of Party Support Derived from Party Loyalty Indexes on Party Unity Roll Calls, Third Congress, Third Session

Paine	VT																						
Trumbu	CO																						
Cabot	MA	Liverm	NH																				
Strong	MA	Foster	RI													Robins	VT						
Bradfo	RI	Bingha	PA													Burr	NY	Brown	KY				
King	NY	Ross	PA													Martin	NC	Mason	VA				
Latime	DE	Ruther	NJ	Ellswo				CO							Butler	SC	Tazese	VA					
Vinnin	DE	Read	SC	Gunn	GA	Frelin	NJ	Potts	MD	Marsha	KY	Henry	MD	Langdo	NH	Tattna	GA	Bloodw	NC				
100-91%		90-81%		80-71%		70-61%		60-51%		51-60%		61-70%		71-80%		81-90%		91-100%					
				Federalist																Republican			

Figure 27. Levels of Party Support Derived from Party Loyalty Indexes on Party Unity Roll Calls, Fourth Congress, First Session

Burr of New York divided equally between the two parties on party unity votes, but was absent for over one-third of these votes. When all votes are considered he must be classified as a Republican.

Hillho CO									
Goodhu MA									
Sedgwi MA									
Lauran NY				Tichen VT					
Bingha PA				Paine VT			Brown KY		Langdo NH
Ross PA				Bradfo RI			Mason VA		Tazewe VA
Stockt NJ				Foster RI		Liverm NH	Blount TE		Cocke TE
Latime DE			Vinnin DE	Howard MD		Burr NY	Tattna GA		Bloodw NC
Read SC	Ruther NJ	Tracy CO	Marsha KY			Henry MD	Gunn GA	Martin NC	Hunter SC
100-91%	90-81%	80-71%	70-61%	60-51%	51-60%	61-70%	71-80%	81-90%	91-100%
		Federalist					Republican		

Figure 28. Levels of Party Support Derived from Party Loyalty Indexes on Party Unity Roll Calls, Fourth Congress, Second Session

Gunn of Georgia divided equally between the two parties on party unity votes. He was absent for three-fourths of all votes. When he is examined on all votes he is clearly a Republican type.

Tichen VT										
Tracy CO										
Goodhu MA										
Sedgwi MA									Langdo NH	
Stockt NJ									Brown KY	
Bingha PA									Mason VA	
Ruther NJ									Tazewe VA	
Lauran NY									Blount TE	
Ross PA									Cocke TE	
Latime DE	Paine VT								Bloodw NC	
Vinnin DE	Hillho CO				Foster RI				Martin NC	
Read SC	Howard MD	Bradfo RI	Marsha KY	Henry MD	Liverm NH			Hunter SC	Tattna GA	
100-91%	99-81%	80-71%	70-61%	60-51%	51-60%	61-70%	71-80%	81-90%	91-100%	
		Federalist					Republican			

Figure 29. Levels of Party Support Derived from Party Loyalty Indexes on Party Unity Roll Calls, Fifth Congress, First Session

Gunn of Georgia divided evenly on party unity votes but was absent for 90 percent of the roll calls.

Chipma VT									
Hillho CO	Paine VT								
Tracy CO	Foster RI								
Goodhu MA	Hobart NY								Langdo NH
Sedgwi MA	Lauran NY								Jackso TE
Greene RI	Bingha PA	Liverm NH							Anders TE
Stockt NJ	Ross PA	North NY							Mason VA
Latime DE	Clayto DE	Ruther NJ					Marsha KY		Tazewe VA
Lloyd MD	Read SC	Howard MD		Hunter SC		Martin NC	Tattna GA	Brown KY	Bloodw NC
100-91%	90-81%	80-71%	70-61%	60-51%	51-60%	61-70%	71-80%	81-90%	91-100%
		Federalist					Republican		

Figure 30. Levels of Party Support Derived from Party Loyalty Indexes on Party Unity Roll Calls, Fifth Congress, Second Session

Paine VT									Langdo NH
Hillho CO									Anders TE
Tracy CO	Liverm NJ								Brown KY
Goodhu MA	Greene RI								Mason VA
Sedgwi MA	Latime DE	Foster RI							Bloodw NC
Stockt NJ	Lloyd MD	North NY			Lawren NY				Martin NC
Davenp NJ	Chipma VT	Ruther NJ		Ross PA	Marsha KY				Pinckn SC
Wells DE	Watson NY	Howard MD		Read SC	Gunn GA				Tattna GA
100-91%	90-81%	80-71%	70-61%	60-51%	51-60%	61-70%	71-80%	81-90%	91-100%
		Federalist					Republican		

Figure 31. Levels of Party Support Derived from Party Loyalty Indexes on Party Unity
Roll Calls, Fifth Congress, Third Session

Chipma VT									
Paine VT									
Tracy CO									
Dexter MA									
Greene RI									
Watson NJ	Liverm NJ								Langdo NH
Dayton NJ	Hillho CO								Brown KY
Schure NJ	Goodhu MA								St.Mas VA
Latime DE	Foster RI								Nichol VA
Wells DE	Lauran NY								Cocke TE
Howard MD	G.Morr NY								Bloodw NC
Lloyd MD	Bingha PA								Pinckn SC
Read SC	Ross PA	Gunn GA			Marsha KY		Anders TE	Frankl NC	Baldwi GA
100-91%	90-81%	80-71%	70-61%	60-51%	51-60%	61-70%	71-80%	81-90%	91-100%
		Federalist					Republican		

Figure 32. Levels of Party Support Derived from Party Loyalty Indexes on Party Unity Roll Calls, Sixth Congress, First Session

Chipma VT										
Tracy CO										
J.Maso MA										
G.Morr NY									Langdo NH	
Bingha PA									Brown KY	
Ross PA									S.T.Ma VA	
Dayton NJ									Nichol VA	
Schure NJ									Cocke TE	
Latime DE									Anders TE	
Wells DE									Bloodw NC	
Howard MD						Liverm NH			Frankl NC	
Hinda MD						Hillho CO			Pinckn SC	
Read SC	Paine VT	Gunn GA	D.Fost MA	Greene RI	Marsha KY		Armsto NY		Baldwi GA	
100-91%	90-81%	80-71%	70-61%	60-51%	51-60%	61-70%	71-80%	81-90%	91-100%	
		Federalist					Republican			

Figure 33. Levels of Party Support Derived from Party Loyalty Indexes on Party Unity Roll Calls, Sixth Congress, Second Session

APPENDIX C

HISTOGRAMS DEPICTING LEVELS OF PARTY
SUPPORT DERIVED FROM PARTY LOYALTY
INDEXES ON PARTY UNITY ROLL
CALLS, FIRST THROUGH THE
SIXTH CONGRESS, BY
CONGRESS

Robins VT								Henry MD	
Bradle VT	Sherma CO							Lee VA	
Wingat NH	Stanto RI							Johnst NC	Potts MD
Langdo NH	Strong MA	King NY						Hawkin NC	Edward KY
Ellswo CO	Foster RI	Basset DE			Burr NY	Morris PA	Carrol MD	Gunn GA	Taylor VA
Cabot MA	Ruther NJ	Read DE			Dickin NJ	Izard SC	Brown KY	Few GA	Butler SC
100-91%	90-81%	80-71%	70-61%	60-51%	51-60%	61-70%	71-80%	81-90%	91-100%
		Federalist					Republican		

Figure 35. Levels of Party Support Derived from Party Loyalty Indexes on Party Unity Roll Calls, Second Congress

Ellswo	CO																			
Mitche	CO																			
Trumbu	CO																			
Cabot	MA																			
Strong	MA																			
Bradfo	RI																Bradle	VT	Robins	VT
King	NY																Gallat	PA	Burr	NY
Bingha	PA	Paine	VT														Brown	KY	Monroe	VA
Morris	PA	Foster	RI														Edward	KY	Taylor	VA
Ruther	NJ	Frelin	NJ	Liverm	NJ												Martin	NC	Tazewe	VA
Latime	DE	Vinnin	DE	Henry	MD			Ross	PA								Butler	SC	Mason	VA
Izard	SC	Read	SC	Potts	MD			Marsha	KY	Gunn	GA	Hawkin	NC	Langdo	NH		Jackso	GA	Bloodw	NC
100-91%	90-81%	80-71%	70-61%	60-51%	51-60%	61-70%	71-80%	81-90%	91-100%											
		Federalist					Republican													

Figure 36. Levels of Party Support Derived from Party Loyalty Indexes on Party Unity Roll Calls, Third Congress

Goodhu	MA																		
Sedgwi	MA																		
Hillho	CO																		
Trumbu	CO																		
Cabot	MA																		
Strong	MA	Paine	VT																
King	NY	Bradfo	RI		Tichen	VT										Robins	VT	Brown	KY
Lauran	NY	Foster	RI		Ellswo	CO										Langdo	NH	Tazewe	VA
Stockt	NJ	Bingha	PA	Liverm	NH	Frelin	NJ						Blount	TE	Mason	VA	Cocke	TE	
Latime	DE	Ross	PA	Vining	DE	Howard	MD						Burr	NY	Martin	NC	Bloodw	NC	
Read	SC	Ruther	NJ	Tracy	CO	Gunn	GA	Potts	MD	Marsha	KY	Henry	MD	Tattna	GA	Butler	SC	Hunter	SC
100-91%	90-81%	80-71%	70-61%	60-51%	51-60%	61-70%	71-80%	81-90%	91-100%										
		Federalist					Republican												

Figure 37. Levels of Party Support Derived from Party Loyalty Indexes on Party Unity
Roll Calls, Fourth Congress

Chipma VT										
Tichen VT										
Hillho CO										
Tracy CO										
Goodhu CO										
Sedgwi MA	Paine VT								Jackso TE	
Bingha PA	Foster RI								Langdo NH	
Stockt NJ	Greene RI								Mason VA	
Davenp NJ	Hobart NY								Tazewe VA	
Latime DE	Lauran NY	Bradfo RI							Blount TE	
Vining DE	Watson NY	North NY							Cocke TE	
Wells DE	Ruther NJ	Ross PA	Liberm NH	Hunter SC			Martin NC	Andser TE	Bloodw NC	
Lloyd MD	Clayto DE	Howard MD	Henry MD	Gunn GA	Marsha KY	Tattna GA	Brown KY	Pinckn SC		
100-91%	90-81%	80-71%	70-61%	60-51%	51-60%	61-70%	71-80%	81-90%	91-100%	
		Federalist					Republican			

Figure 38. Levels of Party Support Derived from Party Loyalty Indexes on Party Unity Roll Calls, Fifth Congress

Chipma VT									
Paine VT									
Tracy CO									
Dexter MA									
J.Maso MA									
Watson NY									
Dayton NJ									Langdo NH
Schure NJ									Brown KY
Latime DE	Goodhu MA								S.T.Ma VA
Wells DE	Greene RI								Nichol VA
Howard MD	Lauran NY								Cocke TE
Lloyd MD	G.Morr NY	Liverm NH							Bloodw NC
Hindma MD	Bingha PA	Hillho CO	D.Fost MA				Armstr NY		Pinckn SC
Read SC	Ross PA	Gunn GA	T.Fost RI		Marsha KY		Anders TE	Frankl NC	Baldwi GA
100-91%	90-81%	80-71%	70-61%	60-51%	51-60%	61-70%	71-80%	81-90%	91-100%
		Federalist					Republican		

Figure 39. Levels of Party Support Derived from Party Loyalty Indexes on Party Unity
Roll Calls, Sixth Congress

VITA²

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